

LOCAL GOVERNMENT ACT

[30th September, 1991]

Act 11 of 1991.

ARRANGEMENTS OF CLAUSES

PART I - PRELIMINARY

Clauses

1. Short title and commencement
2. Interpretation

PART II - DISTRICT COUNCIL

3. Division of Seychelles into districts
4. Constitution of district council
5. Functions of a council

PART III - COUNCILLORS

6. Chairman

7. Councillors, other than Chairman
8. Tenure
9. Election of councillors
10. Qualification to be a councillor
11. Casual vacancy
12. Filling of casual vacancy

PART IV VOTERS

13. Proceedings against a person acting while disqualified
14. Referendum
15. Qualification for registration as voter
16. Qualification to vote

PART V - MEETINGS OF COUNCIL

17. Meetings of council
18. Disclosure of interest

PART VI - STAFF OF A COUNCIL

19. Staff of council
20. Disclosure by staff of council of interest

PART VII - FINANCIAL

- 21. Fund of council
- 22. Vesting of property
- 23. Annual estimates
- 24. Accounts and audit

PART VIII - MISCELLANEOUS

- 25. Authentication of document
- 26. Evidence
- 27. No liability in certain cases
- 28. Councillor etc deemed to be employed in public service
- 29. Offences
- 30. Penalties
- 31. Standing Orders
- 32. By-laws
- 33. Regulations
- 34. Non-application of Decree 16 of 1979

Schedule 1 - Names and Boundaries of Districts

Schedule 2 - Election

Schedule 3 - Referendum

Schedule 4 - Meeting of Council

PART I - PRELIMINARY

Short title 1. This Act may be cited as the Local Government Act.

Interpretation 2. In this Act -

"Chairman" means the Chairman of a district council;

"council" means a district council;

"councillor" means a person elected to serve on a district council and includes, unless otherwise specified, the Chairman;

"court" means the Supreme Court;

"district" means a district referred to in section 3;

"district council" means a district council constituted under section 4;

"election" means an ordinary or special election;

"election day" means a election day referred to in paragraph 6(2) of Schedule 2, or, in the case of the first ordinary election, the day of the election fixed by the Minister under section 9(4);

"first ordinary election" means the ordinary election held immediately after the commencement of this Act;

"nomination day" means nomination day referred to in paragraph 7(3) Schedule 2;

"ordinary election" means an election referred to in section 9(2);

"Party" means the Seychelles People Progressive Front;

"referendum" means a referendum in terms of section 14;

"special election" means an election, referred to in section 9(5) of Schedule 2, for the purpose of filling a casual vacancy on a council;

PART II - DISTRICT COUNCIL

Division 3.(1) Seychelles, other than the Inner and Outer Islands, is
of Seychelles hereby divided into districts for the purposes of this Act.
into

districts (2)The names and boundaries of the districts are specified in Schedule 1.

(3)The President may from time to time appoint a Boundaries Commission for the purpose of -

(a) reviewing the number of districts or their boundaries or both the number of districts and their boundaries; and

(b) making recommendation to the President in the light of the review referred to in paragraph (a).

(4) Subject to subsection (5), the President may, as a result of a recommendation made under subsection (3), amend by regulations Schedule 1 for the purpose of altering the boundaries of any or all of the districts or both the number of districts and their boundaries.

(5) The President shall, before amending Schedule 1 under subsection (4), submit a draft of the regulations for approval, by resolution, of the People's Assembly.

(6) The members of the Boundaries Commission shall be appointed by the President and the President shall designate one of the members of the Commission to be its Chairman.

(7) For the purposes of this section, Inter and Outer

Decree 19 Islands means the islands described as such in Schedule 1 of
of 1979 the Constitution.

Constitution 4.(1) There is constituted in respect of each district a
of district district council consisting of a Chairman and five other
council councillors.

(2) A district council shall be a body corporate and shall bear a name consisting of the name of the district followed by the words "District Council."

Functions 5.(1) A council shall have such functions as may be deter-
of a mined from time to time by the President.
council

(2) Subject to this Act and any other written law, a council shall be under the general supervision of the Minister.

(3) Subject to this Act and any other written law, a council may, after it has obtained the written approval of the Minister, arrange for the discharge of any of its functions -

(a) by a committee, sub-committee, councillor or a person employed by the council;

(b) by another council in the manner agreed to by the two councils;

(c) jointly with another council in any manner agreed to by the two district councils.

(4) The fact that a council has made an arrangement referred to in subsection (3) shall not prevent the council from exercising the functions covered by the arrangement.

(5) A council may make standing orders in connection with-

(a) the discharge of any of its functions under subsection (3);

(b) the establishment of committee or subcommittee; or

(c) the proceedings of any committee or sub-committee established under paragraph (b).

(6) A council may in the provision of entertainment or other similar services, or sport, recreational or leisure facilities, charge such fee as it deems reasonable in the circumstances.

PART III - COUNCILLORS

Chairman 6.(1) The Chairman of a council -

(a) shall be a full time member of the council and shall devote himself wholly to the service of the council;

(b) unless authorised in writing by the Minister -

(i) shall not be engaged in any other business, trade or profession;

(ii) shall not take up any other employment or appointment on any board, authority or corporation;

Decree 19 of (c) shall, subject to the Constitution, be the

1979 member of the People's Assembly for the district in respect of which the council is constituted;

(d) shall, subject to this Act, represent the council on all matters;

(e) shall, subject to this Act, have supervision and direction of the work and staff of the council.

(2) A council shall pay its Chairman such salary and allowance as the Minister may, by regulations, prescribe.

(3) Where on the completion of a term of office as Chairman a person does not submit himself for re-election as, or is not re-elected, Chairman, the person shall be entitled -

(a) where, prior to his election or appointment as Chairman, he was employed by Government, to be re-employed by Government in a post similar or equivalent to the one he was employed in immediately prior to his election or appointment as Chairman;

(b) where, immediately prior to his election or appointment as Chairman, he was employed by another person, other than the Government, to be employed by Government in a post similar or equivalent to the one he was employed in by the another person before his election or appoint- ment as Chairman.

Cap. 69 (4) For the purposes of the Employment Act, 1990 and any other written law, where -

(a) a person is re-employed or employed by the Government under subsection (3), the person shall be deemed -

(i) in the case where he was employed by the Government prior to being elected or appointed Chairman, to have continued to be in the service of the Government during the time he served as Chairman;

(ii) in the case where he was employed by another person immediately prior to being elected or appointed Chairman, to have been in the continuous employment of the Government for a period made up of -

A. the whole period he was continuously employed by the other person immediately prior to his being elected appointed Chairman; and

B. any period he served as Chairman immediately before his employment under subsection (3);

(b) where on the completion of a term of office as Chairman, a person -

(i) does not submit himself for re- election as, or is not re-elected, Chairman, and

(ii) is re-employed by the person in whose employment he was immediately before his election or appointment as Chairman,

he shall be deemed to have continued in the service of the person in whose employment he was for the period he served as Chairman.

(5) For the purpose of subsection (3), term of office means a period of four years as provided in section 8(1) or, where the person was elected or appointed to fill a casual vacancy in the office of Chairman, the period starting the day next to the day of his election or the day of this appointment, as the case may be, and ending on the day he ceases to be Chairman in accordance with section 8(1).

Councillors 7.(1) A councillor, other than the Chairman, of a council

other than shall -

Chairman

(a) be a part-time member of the council;

(b) discharge such functions as the council may from time to time assign to him.

(2) The council shall pay to a councillor, other than the Chairman, such allowances as the Minister may, by regulations, prescribe.

Tenure 8.(1) Subject to this Act, a councillor shall hold office for a period of 4 years
-

(a) in the case of a councillor who is elected at the first ordinary election, beginning on the 4th day after the date of his election;

(b) in the case of a councillor who is elected at ordinary elections held subsequent to the first ordinary election, beginning with the date immediately following the date when a councillor

who was elected at the immediately preceding ordinary election would ordinarily complete his 4th year in office.

(2) Where a councillor is elected to fill a casual vacancy the councillor shall, subject to this Act, hold office for the unexpired period of office of the councillor in respect of whom the casual vacancy occurred under section 11(1).

(3) A councillor shall cease to hold office if -

(a) he resigns by giving notice in writing to the Minister;

(b) any circumstances arise that, if he were not a councillor, would cause him not to be qualified to be a councillor under section 10(1);

(c) he is convicted of an offence and has had passed on him, in respect of the offence, a sentence of imprisonment of 3 months or more without the option of a fine;

(d) he ceases to reside in the district in respect of which he is a councillor for a period of six months or more;

(e) he is elected to the office of President;

(f) he is appointed a Minister;

(g) he fails throughout a continuous period of 2 months to attend a meeting of the council in respect of which he is a councillor and the Minister certifies that he has so absented himself;

(h) he ceases to be a councillor following disciplinary proceedings taken against him by the Minister under this Act;

(i) if the voters of the district in respect of which he is a councillor have, in a referendum, voted in favour of his ceasing to be a councillor;

(j) he dies;

(k) the court declares his election as a councillor to be void or that he is disqualified from acting as a councillor and his office as councillor is vacant.

(4) A councillor shall not cease to hold office as councillor under subsection (3) (g) if he fails to attend a meeting of the council because -

(a) he has to perform some other functions of the council under this Act;

(b) he, not being the Chairman of a council, has to perform any duty in connection with his employment;

(c) he has to perform any civic or military duty;

(d) he has to attend an educational or training course;

(e) he was undergoing medical treatment, and

the Minister issues a certificate that in the opinion of the Minister the failure to attend the meeting was justified in the circumstances.

(5) Where a person who is a worker is elected or appointed

Cap. 69 Chairman, section 60(1)(b) of the Employment Act, 1990 shall not apply to that person.

Cap. 69 (6) The Employment Act, shall not apply to a councillor in relation to his functions under this Act.

Election of 9.(1) A councillor shall be elected to office in accordance
councillors with this Act.

(2) The first and subsequent election held for the purpose of electing the councillors for a full term of office shall be known as an ordinary election.

(3) An ordinary election, other than the first ordinary election, shall be held within 3 months before the last day of the period of 4 years referred to in section 8 (1).

(4) The Minister may, by notice in the Gazette, fix the date of the first ordinary election.

(5) An election held for the purpose of filling a casual vacancy occurring on a council shall be known as a special election.

(6) Schedule 2 shall have effect with respect to the matters relating or incidental to an election.

Qualification 10(1)A person is qualified to be a councillor -
to be a
councillor (a) if -

(i) he is a citizen of Seychelles;

(ii) he has attained the age of 18 years;

(iii) he is a member of the Party;

(iv) he is registered as a voter in the district, in respect of which he is standing for election;

(v) he has not been adjudged bankrupt or made a composition or arrangement with his creditors or if he has been adjudged bankrupt the order of bankruptcy against him has been annulled or discharged or if he has made a composition or arrangement with his creditors he has paid his debts in full or 5 years has elapsed since he has fulfilled the terms of the composition or arrangement;

(vi) he is not of unsound mind;

(vii) he is not disqualified from holding office as a councillor under this Act or any other written law or by an order of the Court;

(b) if he has resided in the district, in respect of which he is seeking to be elected, for a continuous period of 6 months ending on nomination day,

(c) if he has not within 5 years before nomination day been convicted in Seychelles of an offence and has had passed on him, in respect of the offence, a sentence of imprisonment of 3 months or more without the option of a fine.

(2) For the purposes of section 8 (3) and subsection 1(b) of this section, a person's residence shall not be treated as having been interrupted if -

(a) the person is absent temporarily from the district for the purpose of undergoing a course of education or training or receiving medical treatment; or

(b) the person is absent temporarily in connection with his employment or for the purpose of performing any civic or military duty or on holiday,

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

Casual 11(1)A casual vacancy shall occur in the office of a
vacancy councillor -

(a) where a councillor resigns, on the receipt of the notice of resignation by the Minister;

(b) where a councillor ceases to be qualified to be a councillor under section 10(1), on the date of the occurrence of the event causing the disqualification;

(c) where he is convicted of an offence as provided in section 8(3) (c), on the date of the sentence;

(d) where he ceases to reside in the district in respect of which he is a councillor as provided in section 8(3) (d), on the date he ceases to reside in the district;

(e) where he is elected President, on the date of his election as President;

(f) where he is appointed Minister, on the date of his appointment as Minister;

(g) where he fails to attend a meeting of the council as provided section 8(3)(g), on the date certified by the Minister that he has ceased to be a councillor;

(h) where he ceases to be a councillor as provided in section 8(3) (h) -

(i) where the councillor has appealed against the decision of the Minister, on the date following the date of the confirmation of the decision of the Minister by the President;

(ii) where the councillor has not appealed against the decision of the Minister, on the date following the last date on which an appeal against the decision of the Minister may be made to the President under this Act;

(i) where he is required to cease to hold office as a result of a referendum, on the date when the result of the referendum is declared;

(j) where he dies, on the date of his death;

(k) where the court declares his election as a councillor to be void, on the date of the declaration of the court.

(2) The Minister shall, as soon as practicable after the occurrence of a casual vacancy in the office of a councillor, publish a notice to this effect in the Gazette and at the office of the district council.

Filling of	12(1)Subject to this section, an election to fill a casual
casual	vacancy shall be held within 3 months of the date of the
vacancy	occurrence of the vacancy.

(2) Where a casual vacancy occurs within 6 months before the end of the period of 4 years referred to in section 8(1), a special election shall not be held but the Central Committee of the Party shall appoint a person who qualifies under section 10(1) to fill the casual vacancy for the unexpired part of that period.

(3) Where there are 2 or more casual vacancies on a council and the council cannot as a result hold its meetings because of a lack of quorum, the Central Committee of the Party shall appoint persons qualified under section 10(1) to fill the casual vacancies until the election of the councillors by a special election or, where subsection (2) of this section applies, for the unexpired part of the period referred to in that subsection.

(4) Except as it is otherwise provided in this Act, this Act and any other written law apply to a person appointed as councillor under this section as it applies to a councillor elected under this Act.

PART IV - VOTERS

Proceedings 13(1)A person registered in a district or the Attorney
against a General may institute proceedings in the Supreme Court against
person acting a person who has acted or claims to be entitled to act as a
while disqua- councillor while disqualified in terms of this Act.
lified

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

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

(a) that the defendant has acted as councillor while disqualified; and

(b) that the office in which the defendant has acted is vacant;

(4) A declaration of the court under section (3) shall not invalidate -

(a) any proceedings held, decisions taken or acts or things done by the council on which the defendant referred to in subsection (3) was serving, whether or not the defendant participated in the proceedings, decisions, acts or things, or

(b) any acts or things done by that defendant on behalf of the council,

prior to the declaration of the court if the proceedings, decisions, acts or things were otherwise held, taken or done in accordance with this Act.

Referendum 14(1) Subject to subsection (2), at least 1/5 of the number of the persons registered as voters and entitled to vote in a district may petition the Minister for the holding of a referendum for the purpose of verifying whether a councillor should cease to hold office and the Minister shall accede to the petition.

(2) A petition under subsection (1) may be made at any time after a councillor has been in office for a period of 12 months but shall not be made within 7 months before the holding of an ordinary election.

(3) A petition referred to in subsection (1) shall be signed or marked by all the petitioners and made to the Minister.

(4) Where a majority of votes cast at a referendum has been cast in favour of the councillor, in relation to whom the referendum has been held, ceasing to hold office, the councillor shall, on the date of the declaration of the result of the referendum, cease to hold office as councillor.

(5) Where before the date of the referendum the councillor in relation to whom the referendum is being held resigns, the referendum shall not be held.

(6) For the purposes of subsection (1), registered voters means the persons who are registered as voters in the district since the holding of the last election or referendum, whichever occurred last, in the district.

(7) Schedule 3 shall have effect with regard to a referendum.

Qualification 15 A person is entitled to be registered as a voter
for registra- in a district for the purposes of this Act if -
tion as voter

- (a) he is a Seychellois;
- (b) he is 18 years or over;
- (c) he resides in the district;
- (d) he is not registered as a voter in another district;
- (e) he is not under a declaration of allegiance to a country other than Seychelles;
- (f) he is not, under any other written law, adjudged or otherwise declared to be of unsound mind or detained as a criminal lunatic or at the pleasure of the President;

Qualification 16 A person who is registered as a voter in a district is
to vote entitled to vote at an election in the district unless at the time of the election -

- (a) any circumstances arise in relation to him which, if he were not registered, would cause him to be disqualified for registration under section 15, or
- (b) he is serving a sentence of imprisonment or being detained under any other written law.

PART V - MEETINGS OF COUNCIL

Meetings of 17 Schedule 4 shall have effect in respect of the meetings
council of a council.

Disclosure 18(1) A councillor who has an interest, whether direct or

of interest indirect in any matter which falls to be decided at a meeting of a council -

(a) shall disclose in writing the nature of the interest to the council and the Minister before the meeting or before the start of any discussion on the matter; and

(b) subject to subregulation (2), shall not take part in the deliberation or decision of the matter.

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

(a) there would otherwise be an insufficient number of councillors for a meeting of the council;

(b) it is in the interest of the district that the disability under subsection (1) should be removed;

(c) the interest is so remote or insignificant that it cannot be regarded as likely to influence the councillor in his deliberation or decision on the matter.

(3) The failure of a councillor to comply with subsection (1) shall not invalidate the deliberation or decision of the council on the matter in which the councillor has an interest.

PART VI - STAFF OF A COUNCIL

Staff of 19(1) Subject to this section, a council shall employ such

council persons as are necessary for the council to perform its functions or any of the functions of another council under an arrangement referred to in section 5(3) or in connection with an election or a referendum on the terms and conditions and according to the procedures applicable to employees of public bodies.

(2) Without prejudice to subsection (1) and subject to the written approval of the Minister, a council may enter into an agreement with another council for the purpose of placing at the disposal of the other council the service of any officer of the council or for making use of the services of any officer of the other council on such conditions as may be provided in the agreement.

Disclosure by 20 Where it comes to the knowledge of a person employed by

staff of a council or a person placed at the disposal of a council

council under an arrangement under section 19 that a contract in which

of interest the person has any pecuniary interest, whether direct or indirect, has been or is proposed to be, entered into by the council or any committee or subcommittee or other person to whom the council has made an arrangement to discharge any of its functions under section 5(3), the person employed shall forthwith give notice in writing to the council of the fact that he has the pecuniary interest and the nature of the interest.

PART VII - FINANCIAL

Funds of 21(1) The funds of a council shall consist of -

council

(a) moneys appropriated by an Appropriation Act and paid to the council;

(b) moneys received from any investment;

(c) money received in connection with any services, the use of any facility or property of the council or the provision of any leisure or other recreational facilities;

(d) moneys lawfully received by the way of gift or otherwise.

(2) The funds of a council may, subject to this Act or any other written law, be applied by the council -

(a) in the payment or discharge of the costs, expenses and other obligations of the council;

(b) in the payment of remuneration, fees, allowances payable to a councillor and the staffs and other person employed by the council;

(c) for the purpose of preventing or in connection with any emergency or disaster which might involve or involving danger to life or property of the whole or any part of the district or all or some of the inhabitants of the district;

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

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

(4) The Minister may from time to time issue standing orders to councils relating to -

(a) the nature and amount of allowances, not being an allowance referred to in sections 6(2) and 7(2), which the council may pay to; or

(b) the nature and amount of expenses which the councils may reimburse,

a councillor, a person serving on any committee or subcommittee established by the council and a person employed by the council.

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

Vesting of 22 Notwithstanding any other written law, the President
property may authorise -

(a) the vesting in a council of any property which belongs to the Republic;

(b) that any property of the Republic be placed under the control of a council for use by the council in the performance of its functions,

and the Minister shall take such steps necessary to comply with the authorisation of the President.

Annual 23(1) A council shall, within such time as the Minister may,
estimates by standing orders, specify, submit to the Minister for each financial year
estimates of its expenditures and revenues.

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

(3) The financial year of a council shall be the period which the Minister may from time to time fix by standing orders.

Accounts 24(1) A council shall -
and

audit (a) keep proper accounts and records in relation to the accounts;

(b) prepare, in respect of each financial year of the council, statement of accounts.

(2) The accounts and statements of accounts of a council shall be audited by the Auditor General.

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

(4) The Minister shall, by standing order, prescribe -

(a) the form in which the accounts are to be kept;

(b) the form in which the statements of accounts are to be made out;

(c) the time within which the accounts and statements of accounts are to be prepared, audited and submitted under this section.

(5) Notwithstanding subsections (2) and (3), the Minister may at any time cause the accounts of a council to be audited by an auditor appointed by the Minister.

PART VIII - MISCELLANEOUS

Authentica- 25 A notice, order or other document or a copy of a not-

cation of ice, order or other document which a council is authorised or

document required under this Act or any other written law to give, make or issue may be signed on behalf of the council by its Chairman or any person appointed by the Chairman or the council and any document which has to be signed shall be deemed, until the contrary is proved, to have been given, made or issued by the council.

Evidence 26 A document which -

(a) purports to be a copy of a resolution, decision order or report of a council or the minutes of the proceedings at a meeting of the council; and

(b) bears a certificate purporting to be signed by the Chairman of the council or any person authorised in that behalf by the Chairman or the Council, stating that the resolution was passed or decision taken or order or report was made by the council on a specified date or that the minutes were signed in accordance with paragraph 7 of Schedule 4,

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

No liability in certain cases 27 A council, councillor, person employed by a council or a person who has been placed at the disposal of a council under section 19(2) shall not be liable for any act or omission done or omitted to be done in good faith and without negligence in the course of the performance of his functions under this Act.

Councillor etc deemed to be employed in public service 28 A councillor when performing his functions, other than his functions when acting as a member of the People's Assembly, under this Act, a person serving on any committee or subcommittee is discharging the functions of a council under section 5 or a person employed by a council or who has been placed at the disposal of a council under section 19 shall be

Cap 33 deemed for the purposes of sections 91 to 101 of the Penal Code to be employed in the public service.

Offences 29(1) A person who -

(a) for the purposes of procuring the registration of himself or any other person as a voter, knowingly makes to any person having the duty of preparing the register of voters under Schedule 2 or Schedule 3 any false or misleading statement or representation;

- (b) applies to be registered as a voter in respect of a district when he resides in another district and is already registered as a voter in respect of that other district;
- (c) knowingly makes any false or misleading statement or representation for the purpose of procuring his nomination or the nomination of any other person as a candidate for an election;
- (d) forges the signature of a registered voter in connection with the holding of a referendum under section 14;
- (e) holding any office, or acting in any official capacity, makes a statement or does an act, in the exercise of the functions of his office or in his official capacity, with intent to discourage a person from seeking nomination as a candidate or procure candidature for an election under the Schedule 2;
- (f) forges or fraudulently defaces or fraudulently destroys any register of voters;
- (g) forges, counterfeits or fraudulently destroys any official mark relating to an election or referendum;
- (h) forges or counterfeits or fraudulently destroys a ballot paper;
- (i) without due authority, supplies a ballot paper to any person;
- (j) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;
- (k) without due authority, takes out of any polling station a ballot paper or has in his possession any ballot paper outside a polling station;

(l) without due authority, destroys, takes, opens or otherwise interferes with a ballot box or packet of ballot papers then in use for the purposes of an election or referendum;

(m) wilfully furnishes false evidence or makes a false declaration under paragraph 17, paragraph 18 or paragraph 19 of Schedule 2 or paragraph 8, paragraph 9 or paragraph 10 of Schedule 3;

(n) contravenes paragraph 43(2) of Schedule 2 or paragraph 33 of Schedule 3;

(o) commits an illegal practice in connection with an election or referendum;

(p) contravenes paragraph 44 of Schedule 2 or paragraph 34 of Schedule 3;

(q) without lawful authority, destroys, mutilates, defaces or removes a notice which is exhibited or any document which is made available for inspection, under this Act in connection with an election or referendum;

(r) prints or publishes or causes to be printed or published a bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate without the bill, placard, poster or document bearing on its face the name and address of the printers and publishers and without the approval of the Branch of the Party in the district where the election is being held;

(s) after a lawful demand to him has been made under paragraph 46 of Schedule 2 or paragraph 36 of Schedule 3, fails to give such information as he possesses or unreasonably delays in giving the information;

(t) causes any disturbance or fails to comply with a lawful order of a Registration Officer at any place where a register of voters is kept for inspection under paragraph 3 of Schedule 2 or of an Electoral Officer or a Presiding Officer at a polling station or place where the counting of votes is being carried out;

(u) being a councillor or person employed by a district council, fails to comply with section 18 or section 20, as the case may be, or under colour of his office or employment, accepts any fee or reward whatsoever other than his proper remuneration or an allowance or a reimbursement in accordance with this Act;

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

(w) falsely represents himself as holding the office of a councillor or as a person employed by a council and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such office or employment;

(x) being a councillor or being employed by a council, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the right of another person or for the purpose of gain,

is guilty of an offence.

(2) Section 29 (r) shall not apply to a bill, placard, poster or document published by or on behalf of the Minister, Chief Electoral Officer or an Electoral Officer.

(3) For the purposes of this section, section 30 and Schedules 2 and 3, a person commits an illegal practice where he -

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

(b) directly or indirectly, by himself or by any other person on his behalf, gives or procures or agrees to give or procure or to endeavour to procure, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in

order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at an election or referendum;

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

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as a member or the vote of any voter at an election or referendum;

(e) directly or indirectly, by himself or by any other person on his behalf, advances or pays, or causes to be paid, any money to or for the use of any other person, with the intention that the money, or any part thereof, shall be expended in bribery at any election or referendum or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at an election or referendum;

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

(g) after any election or referendum, 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 an election or referendum;

(h) corruptly, directly or indirectly, by himself or by any other person, either before, during or after an election or referendum, gives, or provides, or pays, wholly or in part, the expense of giving or providing food, drink, entertainment or provision to or for any person for the purpose of influencing that person, or any other person, to vote or refrain from voting at the election or referendum or a member of the organ of the Party which is charged with the organisation and conduct of an election campaign with intent that the member discriminates in favour of a candidate in the exercise of his functions;

(i) corruptly accepts or takes any food, drink, entertainment or provision referred to in paragraph (h);

(j) directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens to inflict by himself or by any other persons, any temporal or spiritual injury, damage, harm or loss, upon or against-

(i) any voter, in order to induce or compel such voter to vote or refrain from voting, or on account of such voter having voted or refrained from voting at an election or referendum or who, by abduction, duress or any fraudulent contrivance, impedes or prevents the free use of the vote by any voter either to give or refrain from giving his vote at an election or referendum;

(ii) a member of an organ of the Party which is charged with the organisation and conduct of an election campaign with intent that the member discriminates in favour of a candidate in the exercise of his functions.

(k) he votes or attempts to vote, or induces or procures some other person to vote, at an election or referendum if he, or if to his knowledge the other person, has already voted at that election or referendum;

(l) at a lawful public meeting held in connection with the election of any person or a referendum which is being held in relation to a councillor between the day of publication of the notice notifying the nomination day or the date of the referendum, as the case may be, and the day on which the result of the election or referendum is published he acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together.

(m) impersonates any other person in connection with an election or referendum;

(n) at a lawful public meeting held in connection with an election or referendum, acts or incites others to act in a disorderly manner for the purpose of preventing the holding of the meeting or the transaction of the business for which the meeting was called.

Penalties 30(1) A person who is guilty of an offence under section 29 (1) (a) to (w) is liable to imprisonment for 3 years and a fine of R10,000.

(2) A person who is guilty of an offence under section 29 (1) (x) is liable to imprisonment for 5 years and a fine of R15,000.

(3) Where a person is convicted of committing an illegal practice, the person shall, in addition to any penalty under subsection (1), be disqualified for a period of 5 years from the date his conviction from being registered as a voter and from voting at an election or referendum under this Act or any other written law and the Minister shall forthwith cause the name of the person to be deleted from the register of voters of the district where the person is registered as a voter, and a note of the disqualification to be entered in all the registers of voters prepared under this Act or any other written law.

Standing 31(1) The Minister may make standing orders -

Orders

- (a) for any matter required by this Act to be regulated by standing orders;
- (b) in relation to the conduct of a councillor under this Act;
- (c) subject to subsection (2), in relation to disciplinary proceedings against a councillor;
- (d) for the purpose of regulating any matter for which no specific provision is made under this Act relating generally to the administration of the affairs of a council, the use of the funds and properties of or under the control of a council and the condition of employment of persons employed by a council.

(2) Standing orders made in relation to disciplinary proceedings against a councillor shall -

- (a) provide for sufficient notice of the reasons for the proceedings to be given to the councillor;

(b) provide for opportunity to be given to the councillor to present his case before the Minister;

(c) provide for a right of appeal against the decision of the Minister to the President.

(3) Notwithstanding section 59 of the Interpretation and

Cap. 103 General Provisions Act, standing orders made under subsection (1) shall not be required to be laid before the People's Assembly.

By-laws 32(1) A council may, with the consent of the Minister, make by-laws for the purpose of exercising its functions under this Act.

(2) Notwithstanding section 59 of the Interpretation and

Cap. 103 General Provisions Act, standing orders made under subsection (1) shall not be required to be laid before the People's Assembly.

Regulations 33 The Minister may make regulations -

(a) for carrying the purposes and provisions of this Act into effect; and

(b) without prejudice to paragraph (a), for prescribing any matter which the Minister is required to prescribe otherwise than by standing order under this Act.

Non applica- 34 For avoidance of doubt the Election Decree shall not

tion of Decree apply for the purpose of electing of a member the People's

16 of 1979 Assembly.

NAMES AND BOUNDARIES OF DISTRICTS

A. 1. ANSE AUX PINS,

being an area -

- (a) bounded on the North West by Cascade district and North by Pointe Larue district,
- (b) on the East by the sea,
- (c) on the South by Anse Royale district,
- (d) on the West by Anse Boileau district.

2. ANSE BOILEAU,

being an area -

- (a) bounded on the North-West by Grand Anse district;
- (b) on the North-East by Cascade district;
- (c) on the east by a watershed with Anse Aux Pins district from Point 8 (described in item 13(c)) to the summit of Montagne Posee Road, thence in a straight line to Brulee trigonometrical beacon, thence in a straight line to point HR1 at the corner with Anse Royale district, thence in a straight line with Anse Royale district to Castle Peak or Piton de Lebouli,

thence in a straight line to beacons M676, BCND, and AO66, thence by a road to LB1 (the boundary of Seychelles Development Corporation properties);

(d) on the South by Baie Lazare district, and

(e) on the West by the sea starting at point LB2 in position E+332738 N+9476761 on the high water mark near the Anse La Mouche / Les Canelles road junction, thence along high water mark to the point LB3 (E+329985 N+9480170).

3. ANSE ETOILE -

being an area -

(a) bounded on the North-East and east by the sea, starting at point AR6 (E+328860 N+9495227) (the northern most tip of Anse Nord D'Est beach); thence along the high water mark to point AR1 (E+329270 N+9491040) on the northern part of the wall of Mr. A. Hoareau's property at Pointe Conan;

(b) on the South by a straight line from point AR1 (E+329270 N+9491040) to the junction of De Quincy Road and the Main Road (Victoria-Anse Etoile), thence along the De Quincy Road and Costain Road to point AR2 (E+328710 N+9491120) at the end of the latter road (near the Bahai meeting place) thence in a straight line to Signal Hill trigonometrical beacon, and

(c) on the West by a straight line from Signal Hill to Coral 4 (E+327777 N+9491016) thence in a straight line to point AR3 (E+327450 N+9490900) thence along the western boundary of the Hargard Estate through points AR4 (E+327125 N+9491470), CE54 (E+327030 N+9492210), AR5 (E+327125 N+9492460), (south of the La Gogue Reservoir), thence along the eastern edge of La Gogue Reservoir to point CE57 (E+327262 N+9492830) through points BCN2 (E+327710 N+9493842) Montagne Pigeon (E+328020 N+9493920), BCN1 (E+328281 N+949358), BO62 (E+328153 N+9495504) thence along the edge of the Main Road to the starting point AR6.

4. ANSE ROYALE,

being an area -

(a) bounded on the North starting at HR2 in position E+336275 N+9478955 where the Hermitte River intersects the high water mark, thence following the Hermitte River to the point where it intersects the boundary at Anse Aux Pins/Anse Boileau boundary at point HR1,

(b) on the East by the sea,

(c) on the South by a footpath at Cap Mason to Mont Lockyer,

(d) on the West by a footpath to the summit of Val D'Endor Road, thence by Baie Lazare River to point 12, thence following a footpath Northwards through L'Enfoncement to the summit of Les Canelles Road and by a Road to Beacon AO66 and Eastwards to beacon D at the Mental Hospital thence Northwards to Beacon M676 and then by Anse Boileau district.

5. BAIE LAZARE,

being an area -

(a) bounded on the North-East by a straight line from a point LB2 (E+332738 N+9476761) (the intersection of the high water mark with a straight line produced from Les Canelles Road) to Anse a La Mouche junction, thence by Les Canelles Road to point LB1 (E+333955 N+9476459) at the summit of Les Canelles Road (on the intersection of the Les Canelles Road with the boundary of the Anse Royale district);

(b) on the East by Anse Royale district to Mont Lockyer,

(c) on the South by a straight line from Mont Lockyer to a hill Point 13 (E+333710 N+9473280) thence in a straight line to Maravi trigonometrical beacon and thence in a straight line to high water mark through Maravi R.C. Cross, and

(d) on the west by the sea.

6. BAIE STE ANNE (PRASLIN),

being an area -

(a) bounded on the North and East by the sea,

(b) on the South by Grand 'Anse district, and

(c) includes Curieuse Island, Round Island, Chauve Souris Island and St Pierre Islet.

7. BEAU VALLON,

being an area -

(a) bounded on the North by Glacis district;

(b) on the north East by Anse Etoile district, thence from Signal Hill Beacon by a straight line to Creve Coeur Beacon, thence in a straight line to Mast AR7 (E+326880 N+9489625) near the Cable and Wireless Satellite Station, thence by the road to St. Louis Hill (E+327180 N+9489355) (at the T.V. Mast);

(c) on the South from St. Louis Hill to Ex - Victoria District Council beacon 52 (E+327175 N+9489230) thence point AR8 (E+327075 N+9489115) (on the main St Louis Road at the summit) thence along the Main Road to the junction of Le Niol/Beau Vallon Road (opposite the chapel), thence along the Le Niol Road to Ex - Victoria District Council beacon No. 67 (E+326630 N+9489085) (on the first right hand bend of the Le Niol Road facing up

hill), thence through points (1), (2), (3), AN91, AS7, AN85, H to a tributary of the Grand St. Louis River to point HB (E+325105 N+9488515), and

(d) on the West by the St. Louis River to point GB (E+325080 N+9488548) thence through the valley to FB (E+324920 N+9488765), EB (E+325015 N+9488900), DB (E+325025 N+9488960) thence following the Cadastral boundary of heirs Delorie's property to point CB (E+325033 N+9489658) thence along the river to the bridge on the Main Road at BB (E+325177 N+9489750) thence along the river to point AB (E+325108 N+9489915) on the high water mark thence to the starting point with Glacis district.

8. BEL AIR,

being an area -

(a) bounded on the North by St. Louis district;

(b) on the North-East by the sea starting from point DS (E+328882 N+9489141) CS (E+328960 N+9489400) (on the reclamation), thence along the retaining wall to point BS (E+328980 N+9489463) and AS (E+329084 N+9489551) (the northern most edge of the reclamation), thence along the high water mark along the reclaimed land to point AM (E+328932 N+9488712) (due south of Hodoul Island), thence to a point AM1 (E+328936 N+9488632) (at the intersection of the Seychelles Marketing Board fence with Latanier Road), thence along Latanier Road to the junction of the entrance leading to Seychelles Public Transport Corporation workshop, thence to point BM (E+329000 N+9488925) at the junction with East Coast Road, thence along the East Coast Road to point CM (E+328827 N+9488454) (opposite the mark of the Riviere Trois Freres), thence along Riviere Trois Freres to point DM (E+327818 N+9488375) on the bridge of Foret Noire Road (near Bassin Arrisol);

(c) on the East from the point DM (E+327818 N+9488375) along the Chemin Sans Souci in a southerly direction (up hill) to point EM (E+328315 N+9487515) (on the last right hand bend facing uphill before the drive to Ex - Makarios's residence), thence in a straight line through New Sans Souci trigonometrical station PC4 to point FM (E+328658 N+9487480) where the straight line intersects the Old Foret Noire Road (the first sharp left hand bend on leaving the Foret Noire Estate when

travelling uphill), thence following the old Foret Noire Road to the Far East Broadcasting Association (FEBA) housing estate water tower at GM (E+328775 N+9487191) thence in a

straight line to point HM (E+328860 N+948675) thence to the confluence of the two streams forming the Rochon River, thence along the stream flowing down Copolia up to a point VM (E+328625 N+9486315) in a straight line to the Salazie Forestry Road Point (5) (E+328250 N+9485440);

(d) on the South from the Salazie Forestry Road Point (5) along Salazie Forestry Road to the Foret Noire Main Road at point BP1 (E+327550 N+9485900) thence in northerly easterly direction along the Foret Noire Road to point BP2 (E+327910 N+9486000) thence by a footpath in a general north westerly direction to Morne Seychellois;

(e) on the West by straight line from Morne Seychelles to Trois Freres and the foot of the escarpment to point (4) (E+326820 N+9488350) on the common boundary with St. Louis district, and

(f) includes Hodoul Island.

9. BEL OMBRE,

being an area -

(a) bounded on the North by the sea starting from the intersection of Riviere Major with the sea, thence following the high water mark to point AB (E+325108 N+9489880) (the intersection of Petit Port waters and Riviere Sullivan);

(b) on the East by Beau Vallon district;

(c) on the South from HB (E+325100 N+9488520) with Beau Vallon district (on the intersection of the middle arm of the western tributary of the Riviere Grand St. Louis), thence along the northern boundary of the state land through cadastarl points B167, E, A, to B122, thence in a straight line to Bernard trigonometrical station, thence in a straight line to the source of the Riviere Cascade up to point PT6 (E+324160 N+9487150) thence following Riviere Cascade up to PGB1 (E+322850 N+9486450) (at the confluence of Riviere Cascade and a stream), and

(d) on the West along stream uphill to the water-shed thence along Riviere Major to starting point at the mouth of Riviere Major.

10 CASCADE,

being an area -

(a) bounded on the North-West by Plaisance district;

(b) on the North by the sea up to Riviere Dejeuner at CPL4 (E+334810 N+9483780) thence to point CPL3 (E+334870 N+9483730) (on the main road) thence to point CPL1 (E+335030 N+9483710) (near the Airport exit);

(c) on the East by straight lines from the exit from the Seychelles International Airport at point CPL1 (E+335030 N+9483710) thence to CPL2 (E+335025 N+9483495) (on a large Rock), thence to Les Dents trigonometrical beacon through Mont Sebert, thence to Les Capucins Hill, thence to the watershed at point 8 (E+333550 N+9481600) with Anse Aux Pins and Anse Boileau districts;

(d) on the South by the watershed to Montagne Planneau, and

(e) on the West by Grand 'Anse and Plaisance districts.

11. ENGLISH RIVER,

being an area -

(a) bounded on the North by Anse Etoile district;

(b) on the East by the sea from point AR1 (E+329270 N+9491040) thence following the high water mark to ES1 (E+328832 N+9489400) (on the intersection of the Riviere Moosa with the high water mark);

(c) on the South by the Riviere Moosa to its intersection with the Old Mont Buxton Road, and

(d) on the West by the Old Mont Buxton Road up to its intersection with the New Road (Button Lane) in position A (E+328120 N+9489636) thence along Button Lane to its intersection with the Old Mont Buxton Road in position T (E+328112 N+9489749) thence along the Old Mont Buxton Road to a footpath to the southern boundary of the Union Vale Estate to point AV43 (E+328551 N+9489883) thence to the starting point of Signal Hill.

12. GLACIS,

being an area -

(a) bounded on the West and North by the sea,

(b) on the East by Anse Etoile district; and

(c) on the South by the Nezet River.

13. GRAND 'ANSE (MAHE),

being an area -

(a) bounded on the North and West by Port Glaud district;

(b) on the North-East by Plaisance district;

(c) on the East by the watershed from New Savy trigonometrical beacon to Montagne Planneau and then in a straight line running to a south-westerly direction to Barbaron Estate Road at point LB4 (E+331000 N+9481650) and thence along the Barbaron Estate Road to the main road and footpath to Anse Polite up to high water mark at point LB3 (E+329985 N+9480170), and

(d) on the South by the sea.

14. GRAND 'ANSE (PRASLIN),

being an area -

(a) bounded on the North-East by a straight line starting from the estuary of the Anse Georgette River to a trigonometrical beacon known as Manny New, thence to the junction of the Salazie and Pasquiere Roads, thence to a bridge on the Grand 'Anse to Baie Ste Anne Public Road in the Vallee de Mai, thence to Fond Azore trigonometrical beacon, thence to the estuary of the Anse Marie Louis River,

(b) on the South and West by the sea, and

(c) includes Aride Island, Cousin and Cousine Islands.

15. LA DIGUE,

being an area consisting of the Islands of La Digue, Felicite, Mary Anne, East Sister and West Sister.

16. MONT BUXTON,

being an area -

(a) bounded on the North-East by English River district;

(b) on the South with St. Louis district starting at the intersection of Riviere Maintry with the sea in position E+328835 N+9489220 thence along the Riviere Maintry to its intersection on the bridge on the 5th June Avenue, thence along the 5th June Avenue to its junction with Manglier Street, thence along the Manglier Street to its junction with Huteau Lane, thence along the Huteau Lane, through Market Street, Lodge Street, Philomel Street to its junction with Hangard Street, thence along Hangard Street to its junction with Creve Coeur Road, thence along the Creve Coeur Road to its intersection with the left side (facing uphill) of the tributary of Riviere Moosa on the bridge of Creve Coeur Road;

(c) on the South - West by Creve Coeur Road to point AR7 (E+326880 N+9489625) near the Cable & Wireless Satellite Station with Beau Vallon district, and

(d) on the West from AR7 (E+326880 N+9489625) with Beau Vallon district in a straight line through Creve Coeur trigonometrical beacon to Mont Signal with English River district.

17. MONT FLEURI,

being an area -

(a) bounded on the North-East by the sea, starting with Bel Air district in position AM (E+328932 N+9488712) (on the edge of the reclamation north of Maison Du Peuple) thence along the high water mark along the reclaimed land to position MM (E+329855 N+9487766) (on the corner of the reclaimed land opposite the Cemetery Road), thence in a straight line to position LM (E+329694 N+9487760) (the intersection of the Cemetery Road alignment produced to the high water mark);

(b) on the South-East by the Cemetery Road and Belvedere Road including the Caritas Estate (see plan ML/ADN/94) to point KM (E+329300 N+9487080) (at the end to the Belvedere Road);

(c) on the South by the Old Western Boundary of Plaisance and Mont Fleuri wards through points JM (E+328980 N+9487050) to the confluence of the two streams forming the Rochon River (described in item 7 (c);

(d) on the West by Bel Air district to point AM, (E+328932 N+9488712), and

(e) includes Ste Anne, Cerf, Cache, Long, Moyenne, Round and Seche Islands.

18. PLAISANCE,

being an area -

(a) bounded on the North-East by the sea starting at point MM (E+329855 N+9487766) thence along the high water mark along the reclaimed land to point NM (E+330248 N+9488170) thence along the high water mark of the reclaimed land to point APC (E+331638 N+9486155) (on the jetty of Brilliant), thence in a straight line to point BPC (E+331446 N+9485730) on the intersection of Riviere Brilliant with the sea;

(b) on South and South-East by Riviere Brillant and Riviere Les Mamelles tributary in position CPC (E+330200 n+9485290) thence along a stream flowing from New Savy to a point UM (E+331350 N+9484265) thence in a straight line to New Savy trigonometrical beacon;

(c) on the South by Kennedy Road, La Misere Road and the water shed to Salazie Forestry Road, thence along the road to point 5 (E+328250 N+9485440), and

(d) on the West by Bel Air and North West by Mont Fleuri districts.

19. POINT LA RUE,

being an area -

- (a) bounded on the West by Cascade district and the sea;
- (b) on the North and North-East by the sea;
- (c) on the South by the water shed from Anse Faure at point PLA 1 (E+336960 N+9482320) to Peak at point 10 and by a straight line through point 11 to Les Dents, and
- (d) includes Anonyme and Brulee Islands.

20. PORT GLAUD,

being an area -

- (a) bounded on the North by Bel Ombre, Beau Vallon and St Louis districts;
- (b) on the East by the Beau Vallon district;
- (c) on the South by the State Land Boundary to Beacon C and thence in a straight line to Bernard trigonometrical beacon and a straight line to the source of the Cascade River (Point 6) and then following Cascade River to the watershed and to the source of Major River, and
- (d) on the west by Major River.

21. ST LOUIS,

being an area -

- (a) bounded on the North by Mont Buxton district;
- (b) on the East along the sea wall from Riviere Maintry in a curve line to point DS (E+328882 N+9489141) (on the reclaimed land north of Long Pier);
- (c) on the South from point DS by the Riviere St Louis (with Bel Air district) to the western boundary of the Old Victoria District Council St Louis Ward and by a line in a south westerly direction through point HS (E+327270 N+9488635) to point (4) (E+326820 N+9488350) (at the submit of Les Trois Freres Escarp- ment);
- (d) on the South-West by the State Land Boundary to point (1) (E+326100 N+9488660),
and
- (e) on the West by Beau Vallon district.

23. TAKAMAKA,

being an area -

- (a) bounded on the North by Baie Lazare and Anse Royale districts; and
- (b) on the East, South and West by the sea.

B. The boundaries of the districts are more particularly delineated on plans ML/ADN/56, ML/ADN/57, ML/ADN/71, ML/ADN/72, ML/ADN/86 and ML/ADN/92 TO ML/ADN/101 lodged in the office of the Director of Surveys at Victoria, Mahe.

SCHEDULE 2

(section 9)

ELECTION

Appointment 1.(1) The Minister shall, for the purposes of conducting an
of officers ordinary election under this Act, appoint a Chief Registration
for election Officer, Chief Electoral Officer and, in respect of each district -

- (a) a Registration Officer;
- (b) an Electoral Officer, and
- (c) such assistant Registration Officers and assistant Electoral Officers, as the Minister may deem fit.

(2) The Minister shall, for the purposes of conducting a special election in a district appoint
-

- (a) a Registration Officer;
- (b) an Electoral Officer,
- (c) such assistant Registration Officer and assistant Electoral Officers, as the Ministry may deem fit.

(3) An appointment made under this paragraph shall be published in the Gazette.

Functions 2.(1) The Chief Registration Officer shall be responsible for the registration
of voters for an ordinary election and may, for this purpose, give such directions not
inconsistent with this Act to a Registration Officer or an assistant Registration Officer.

(2) The Chief Electoral Officer shall be responsible for the supervision of an ordinary election and may, for this purpose, give such directions not inconsistent with this Act to an Electoral Officer or an assistant Electoral Officer.

(3) A Registration Officer appointed for the purpose of a special election in a district shall be responsible for the registration of voters in the district and may, for this purpose, give such directions not inconsistent with this Act to an Assistant Registration Officer.

(4) An Electoral Officer appointed for the purpose of a special election in a district shall be responsible for the supervision of the election and may, for this purpose, give such directions not inconsistent with this Act to an assistant Electoral Officer.

(5) The Chief Registration Officer and the Chief Electoral Officer, a Registration Officer and an Electoral Officer and an assistant Registration Officer and assistant Electoral Officer shall take and subscribe an oath of secrecy in the prescribed form before taking office.

Register of 3.(1) The Minister shall, at least 30 days before giving
voters notice of the date of an election under paragraph 6(1), inform the Chief
Registration Officer or Registration Officer, as the case may be, of his intention to give notice
of the date of the election.

(2) At least 15 days before the Minister gives notice of an election under paragraph 6(1) -

(a) in the case of an ordinary election, the Chief Registration Officer shall publish in respect of each district,

(b) in the case of a special election, the Registration Officer appointed under paragraph 1(2) shall publish in respect of the district in respect of which the election is to be conducted,

a register containing a list of all persons who, he believes, are entitled to vote at the election in the district.

(3) For the purpose of compiling the register referred to in subparagraph (2), the Chief Registration Officer or Registration Officer, as the case may be, may, subject to any written law, use information collected in the course of any national census and any preceding register of voters prepared under this Act or any other written law.

(4) The register prepared under subparagraph (2) shall be published at the council's office and Branch office of the Party and may be inspected at such time and place as the Chief Registration Officer or Registration Officer, as the case may be, may by notice in the Gazette appoint.

Inspection 4.(1) A person who qualifies to be registered as a voter in a
of register district and whose name does not appear on the register of voters for the
district may, within 7 days after the last day on which a register of voters may be inspected
under paragraph 3, apply to the Registration Officer of the district for inclusion of his name in
the register.

(2) A person who is registered as a voter in a district and who objects to the inclusion of his name or the name of any other person on the ground that he or the other person no longer qualifies to be registered as a voter in the district or that the other person is dead, may within 7 days after the last day on which a register of voters may be inspected under paragraph 3, apply to the Registration Officer for the removal of his name or the name of the other person from the register.

(3) Subject to subparagraph (4), where an application is made under subparagraph (1) or subparagraph (2), or where the Registration Officer is of the opinion, without the benefit of an application under subparagraph (1) or subparagraph (2), that the name of person should or should not be on the register of voters of the district in respect of which he has been appointed, the Registration Officer shall as soon as possible refer the matter to the Chief Registration Officer and the Chief Registration Officer may, after hearing the person who has made the application or the Registration Officer, as the case may be, and considering such other evidence as he thinks necessary, amend the register and his decision shall be final and the court shall not entertain any action on the matter.

(4) In the case of a special election, the decision to amend the register of voters for a district referred to in subparagraph (3) shall be taken by the Registration Officer and subparagraph (3) shall apply, subject to such modification as may be necessary.

(5) A person shall, when making an application under subparagraph (2), make a deposit of R100 and where the Chief Registration Officer or Registration Officer, as the case may be, rejects the application, the deposit shall be forfeited to the Republic.

Final 5. The Chief Registration Officer or the Registration

Register Officer, as the case may be, shall, not later than 14 days before the election, settle the final register of voters for each district or the district in respect of which the special election is to be held, as the case may be, and publish the register in each district or the district in respect of which the special election is to be held, as the case may be.

Election 6(1) Subject to this Act, the Minister shall fix the date of
date and the election and, at least 30 days before the date of the
calling for election, give notice of the date of the election in the
candidature Gazette and -

(a) in the case of an ordinary election, in each district,

(b) in the case of a special election, in the district,

where the election is to take place.

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

Nomination 7(1) At least 14 days before the day of an election -

- (a) in the case of an ordinary election, the Chief Electoral Officer, or
- (b) in the case of a special election, the Electoral Officer appointed under paragraph 1(2),

shall, by notice in the Gazette, call upon the Central Committee of the Party to deliver to him nomination papers in respect of the candidates for, in the case of an ordinary election, each district or, in the case of a special election, the district where the election is to be held.

(2) The Central Committee of the Party shall when submitting the nomination paper required under subparagraph (1) -

(a) specify whether a candidate is nominated to stand for election as Chairman or as a councillor, other than Chairman, or both as Chairman and councillor, other than Chairman, of the district in respect of which the nomination has been made;

(b) include with the nomination papers a declaration made by each candidate nominated to stand for election -

(i) in the case of a candidate standing for election as Chairman, stating his willingness to comply with section 6(1) (a) and (b) and assume and act office as Chairman; and

(ii) in the case of a candidate standing for election as councillor, other than Chairman, stating his willingness to assume and act office as councillor, other than Chairman.

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

(4) The Central Committee of the Party may nominate a person to stand for election both as Chairman and as a councillor, other than a Chairman.

Publication 8. Not less than 8 days before the election -

of names of

candidate (a) in the case of an ordinary election, the Chief Electoral Officer,

(b) in the case of a special election, the Electoral Officer appointed under paragraph 1(2),

shall, if he is satisfied that a candidate is qualified to serve as a councillor and has made a declaration under paragraph 6, publish in a notice in the Gazette the names, address and occupation of the candidates, stating whether the the candidates standing for election as Chairman or as councillor, other than Chairman, for, in the case of an ordinary election, each district or, in the case of a special election, the district where election is to be held.

Place and 9 (1) The Chief Electoral Officer or the Electoral Officer,

time of appointed under paragraph (2), as the case may be, shall in

election the notice published under paragraph 8 give -

(a) the address of the polling station;

(b) the time of the beginning or closing of poll;

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

Countermanding 10(1) Where before the closing of poll on the day of an

of election ordinary election there is no candidate for the post of Chairman or there are not enough candidates to fill all the offices of councillor, other than the post of Chairman, in respect of a district because a candidate has died or withdrawn his candidature, the ordinary election shall continue in respect of the other offices of councillor and a casual vacancy shall be deemed to have occurred on the council in respect of the office of Chairman or other offices of councillor in respect of which there is no candidate or an insufficient number of candidates, as the case may be, on the date of the election and the Minister shall, not later than

42 days after the date of the election, fix a date for the holding of a special election to fill the casual vacancy.

(2) Where before the closing of poll on the date of an ordinary election no candidate is available for election as Chairman and councillor of a district because the candidates have died or withdrawn their candidature, the electoral officer shall countermand the election and the Minister shall, not later than 42 days after the date of the countermand, fix another date for the holding of an ordinary election.

(3) A Chairman or councillor elected as a result of a special election referred to in subparagraph (1) shall, subject to this Act, hold office for a period ending on the date when the other councillors on the council would ordinarily end their 4 year term of office under section 8(1).

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

(5) Where, under subparagraph (4), it is less than 7 months before the holding of an ordinary election, section 12 (2) and (4) applies.

Election 11(1) Candidates for election as councillors in a district

meetings shall be presented to the voters of the district by the Branch of the Party of the district and election campaign for the candidates shall be organised by the Branch of the Party of the district and for this purpose the Branch of the Party shall draw up a programme of meetings.

(2) Meetings referred to in subparagraph (1) shall be conducted in the manner specified by the Branch of the Party of the district.

(3) In the organization and conduct of the meetings referred to in this paragraph the members of the Branch of the Party of a district shall accord a fair and equal opportunity for each of the candidates.

(4) A candidate seeking election as a councillor or any person acting on his behalf, whether with the approval of the candidate or otherwise, shall not -

(a) convene or address any public meeting, other than a meeting convened by the Branch of the Party of the district, for the purpose of furthering the candidate's election,

(b) undertake any public or door-to-door canvassing, except as may be authorised by the Branch of the Party.

No payment 12(1) A candidate seeking election as a councillor shall

by not expend any sum in furtherance of his campaign.

candidate

(2) A candidate seeking election as a councillor or any person acting on behalf of the candidate shall not pay -

(a) any person who assists the candidate at an election on account of such assistance;

(b) any person for or on account of the transportation of voters to or from the polling station.

Arrangement 13(1) An Electoral Officer shall, in respect of the district

at polling in respect of which he has been appointed -

station

(a) furnish the polling station with such number of compartments as he thinks necessary for the purpose of allowing voters to record their votes screened from observation;

(b) place in the conspicuous place outside the polling station a notice showing in alphabetical order of surname, or in such other order as, in the case of an ordinary election, the Chief Electoral Officer may direct or, in the case of a special election, he thinks fit, the full names and the address of each candidate indicating whether the candidate is standing for election as Chairman or as a councillor, other than Chairman, as the case may be;

(c) provide both outside and inside the polling station notices containing instructions relating to the voting procedure to be followed;

(d) provide the polling station with copies of the register of voters for the district;

(e) do such other things as he may be directed to do by, in the case of an ordinary election, the Chief Electoral Officer or, in the case of a special election, the Minister in relation to the conduct of the election.

Polling 14(1) The Branch of the Party of a district where election is

agent being held may appoint a person, referred to in this Schedule as a polling agent, to attend at the polling station of the district for the purpose of detecting personation.

(2) The Branch of the Party referred to in subparagraph (1) shall, not later than 7 days or such shorter period as, in the case of an ordinary election, the Chief Electoral Officer or, in the case of a special election, the Electoral Officer may allow before the day of the election, notify the Electoral Officer of the name and address of the polling agent.

(3) Where a polling agent dies or becomes incapable of performing his functions before the date of the election, the Branch of the Party of the district where election is being

held may appoint another polling agent in his place and shall forthwith give notice of such appointment as provided under subparagraph (2).

Ballot boxes 15(1) A ballot box shall be so constructed that a voter can put his ballot paper inside, but cannot withdraw the ballot paper from the box.

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

Form of 16 Ballot papers shall be in such form and of such colour
ballot as the Minister may approve.
paper

Method of 17(1) Voting at an election shall be conducted as follows -
voting

(a) a voter who wishes to vote -

(i) shall present himself at the polling station in the district for which he is registered;

(ii) shall satisfy the Electoral Officer at the polling station of his identity and that he has not voted at the station or elsewhere at the election;

(b) subject to paragraphs 18 and 19, the Electoral Officer at the polling station shall, on being satisfied as provided in sub subparagraph (a) (ii)-

(i) call out the number and particulars of the voter, as stated in the copy of the register of voters at the station;

(ii) perforate or stamp a ballot paper with an official mark and deliver it to the voter; and

(iii) place a mark against the name of the voter in the copy of register to denote that a ballot paper has been delivered to the voter;

(c) subject to subparagraph (2), the voter shall, on receiving a ballot paper, go immediately into one of the screened compartments in the station where he shall, without delay, record his vote in the manner explained in the notice referred to in paragraph 13(1) (c) or, in the case of a voter who is illiterate or does not understand the notice, in the manner explained by the Electoral Officer in the presence of the polling agent;

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

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

Allegation of 18(1) Where an Electoral Officer at a polling station in

irregularities respect of which he has been appointed has reason to believe, or a candidate or a polling agent at the polling station alleges, that a person wishing to vote at the station is not a voter entitled to vote at the station, the Electoral Officer shall -

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

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

(2) Where a candidate or polling agent referred to in subparagraph (1) refuses to state the reason for his allegation in the presence of the person wishing to vote when required to do so by the Electoral Officer, the Electoral Officer shall disregard the allegation.

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

(a) persists in voting;

(b) produces evidence to show that he is the person entitled to vote at the polling station;

(c) makes and subscribes to the declaration referred to in paragraph 19,

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

Declaration of 19(1) An Electoral Officer at a polling station may, but

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

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

Admission to 20(1) An Electoral Officer shall -

polling

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

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

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

(3) A person who has been removed under subparagraph (2) may be charged with the commission of an offence.

Adjournment 21(1) Where proceedings at a polling station are interrupted
of poll in or obstructed by riot or violence, the Electoral Officer may
case of riot adjourn the proceedings until the following day and shall forthwith notify the
Minister and, in the case of an ordinary election, the Chief Electoral Officer.

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

Procedure on 22 The Electoral Officer shall, as soon as practicable
on closing after the closing of the poll, in the presence of the
of poll candidates and polling agent who wish to attend -

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

(i) the unused ballot papers;

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

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

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

Counting agent 23(1) A candidate may appoint a person, to be known as a counting agent, to attend at the counting of votes.

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

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

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

Counting of votes 24(1) An Electoral Officer shall make arrangements for the counting of votes in the presence of the counting agents as soon as practicable after the close of the poll and shall, so far as practicable, proceed continuously with the counting until it is completed.

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

Persons who may be present at the counting of votes 25 Except with the consent of an Electoral Officer, no person other than the Electoral Officer, assistant Electoral Officer, enumerators, such person as may be authorized in writing by the Minister and, in the case of an ordinary election, the Chief Electoral Officer, and the candidates and their counting agents may be present at the counting of votes.

Method of counting present - 26(1) An Electoral Officer shall, in the presence of the counting agents and any other person referred to in paragraph 25 who may be present -

(a) open each ballot box;

(b) take out the ballot papers from the box;

(c) proceed to count and record the number of ballot papers and the votes.

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

(3) A ballot paper -

(a) which does not bear the official mark referred to in paragraph 17(1) (b) (ii);

(b) on which anything is written or marked by which a voter can be identified,

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

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

(a) want of official stamp; and

(b) writing or mark by which the voter could be identified,

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

(5) In the case of an ordinary election or, where in a special election, the election of a Chairman and that of a councillor, other than a Chairman, are held simultaneously, the ballot boxes relating to the election of the Chairman shall be clearly marked and separated from the other ballot boxes and the counting of the ballot papers shall be held separately and in a manner as to avoid any mixing of ballot papers.

Equality of 27(1) Where -

votes and

re-count in (a) in the case of a contested election, there is an

election equality of votes between the candidates;

(b) in the case of an uncontested election, there is an equality of votes for and against a candidate,

an Electoral Officer shall re-count the votes cast.

(2) If after a re-count under subparagraph (1) there is still an equality of votes, the Electoral Officer shall, subject to paragraph 28, report the fact to -

(a) in the case of an ordinary election, the Minister and the Chief Electoral Officer;

(b) in the case of a special election, the Minister.

Candidate or 28(1) A candidate or his counting agent may, if present when

counting agent the counting or a re-counting of votes is completed, require

may require the Electoral Officer to have the votes re-counted or again

re-count re-counted but the Electoral Officer may refuse to make a third or subsequent re-count if the results of the last two re-counts are the same.

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

Electoral 29(1) Upon the conclusion of the counting of the votes, the

officer's Electoral Officer with the assistance of the assistant

duties on Electoral Officer, shall -

the conclu-

sion of (a) seal up in separate packets the counted and rejected

counting ted ballot papers;

(b) in the presence of the candidates or their counting agents, proceed, without opening the sealed packet containing the marked copy of the register of voters, to verify the ballot paper account referred to in paragraph 22(b) by comparing the number of ballot papers received with the number of ballot papers counted, rejected and unused and shall re-seal each packet after examination;

(c) prepare a statement as to the result of the verification carried out under subsubparagraph (b) and, on request, allow a candidate or his counting agent to copy the statement.

(2) The decision of the Electoral Officer as to any question regarding a ballot paper shall be final and not be subject to review otherwise than on an election petition referred to in paragraph 36.

Declaration 30(1) Where the result of an election has been ascertained,

of result the Electoral Officer shall -

(a) declare the result; and

(b) report the result -

(i) in the case of an ordinary election, to the Minister and the Chief Electoral Officer,

(ii) in the case of a special election, to the Minister,

and the Minister shall publish the results in the Gazette.

(2) In the case of a contested election, the candidate of whom most votes have been cast shall be the winner.

(3) In the case where only one candidate stood for election, the candidate shall be declared winner if the majority of votes cast have been cast in his favour.

(4) In the case where a person has stood for election both as Chairman and as a councillor, other than a Chairman, if the person is elected Chairman he shall be deemed to have with- drawn his candidature for election as a councillor, other than Chairman.

(5) Where, in the case of an ordinary election, a post of councillor in respect of a district has not been filled a casual vacancy shall be deemed to have occurred on the date of the declaration of the results and the Minister shall, not later than 42 days after the date of the declaration of the results, fix a date for the holding of a special election to fill the casual vacancy and a councillor elected as a result of the special election shall, subject to this Act, hold office for a period ending on the date when the other councillors on the council would ordinarily end their 4 year term of office under section 8(1).

(6) Where, in the case of a special election, a post of councillor in respect of a district has not been filled and it is 7 months or more before the holding of an ordinary elec- tion, the Minister shall, not later than 42 days after the date of the declaration of the results, fix a date for the holding of another special election.

(7) Where, under paragraph (5), there is less than 7 months before the holding of an ordinary election, section 12(2) and (4) applies.

Custody 31(1) Subject to paragraph (2), the Minister shall ensure the
of documents safe custody of all documents relating to the conduct of an election which are
forwarded to him under this Act.

(2) The Minister shall destroy all documents referred in subparagraph (1) after the expiration of 6 months from the date of an election unless otherwise directed by an order of the Court.

Delegation 32 An Electoral Officer may, unless otherwise directed by the Chief
Electoral Officer in the case of an ordinary election, authorise an assistant Electoral Officer at
the polling station in respect of which the Electoral Officer has been appointed to do any act
or thing which an Electoral Officer may do under this Act and a reference, other than this
paragraph, in this Act to an Electoral Officer shall be deemed to include a reference to an
assistant Electoral Officer.

Right to 33 A person who has voted at an election shall not, in any
refuse dis- legal proceedings or otherwise, be required to state for whom
closure of he voted.
vote

Non-attendance 34 Where, under this Schedule, an act or thing is required
of agent not or authorised to be done in the presence of a polling agent,
to invalidate counting agent of a candidate or a candidate, the non-atten-
proceedings dance of the polling agent, counting agent or candidate at the time and place
appointed for the purpose shall not invalidate the act or thing.

Avoidance of 35(1) The election of a person as a councillor shall not be

election questioned or subject to a review in any court whatsoever except on an election petition presented to the court under this Act.

(2) The proceedings of any organ of the Party held in connection with an election under this Act shall not be subject to review in any court.

Petition 36 An election petition may be presented by -

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

(b) a person claiming to have had a right to be elected at the election to which the petition relates;

(c) a person who was a candidate at the election to which the petition relates;

(d) the Attorney-General.

Relief which 37 An election petition under paragraph 36 may claim -
may be claimed

(a) a declaration that the election is void;

(b) a declaration that a candidate was duly elected;

(c) a recount of the votes.

Time for 38 An election petition shall be presented within 10 days

presentation after the date of the publication of the election
of petition tion in the Gazette under paragraph 30.

Trial 39(1) The trial of an election petition shall, subject to subparagraph (2), be held in the same manner as a trial before the Supreme Court in its original civil jurisdiction.

(2) The Supreme Court -

(a) may, by order, compel any person who appears to the Court to be concerned in the election to which the petition relates to attend as a witness at the trial;

(b) examine a witness referred to in subparagraph (a) or any person in court, although the person has not been called as a witness.

(3) A witness referred to in subparagraph (2) may be cross-examined by the petitioner, respondent and Attorney-General, or his representative, if present at the trial.

Election may 40(1) The election of person as a councillor shall be declared
be declared void if it is proved to the satisfaction of the Supreme Court -
void

(a) that the election was not conducted in accordance with this Act and as a result the result of the election has been affected;

(b) that an illegal practice was committed in connection with the election by or with the knowledge and consent or approval of the person elected or the agent of the person elected;

(c) that the person elected was at the time of his election not qualified for election as a councillor.

(2) Where it appears to the Supreme Court on an election petition under paragraph 36 -

(a) that an act or omission of a person elected, the agent of the person elected or any other person, which, but for this subparagraph, would be an illegal practice under this Act, has been done or made in good faith through inadvertence or accidental miscalculation or some other reasonable cause of a like nature, or

(b) that upon taking into account all the relevant circumstances it would be just that the person elected, his agent or any other person should not be subject to any of the consequences under this Act of such act or omission,

the Supreme Court may make an order allowing the act or omission, which would otherwise be an illegal practice under this Act, to be an exception to this Act and the person elected, his agent or any other person shall not be subject to the consequences of this Act in respect of the act or omission and the election of the person shall not, by reason only of the act or omission, be void.

Certificate 41(1) At the conclusion of the trial of an election petition
of court as under paragraph 36 the Supreme Court shall determine -
to validity

of election (a) whether the councillor whose election is complained of was
elected;

(b) whether some person other than the person who was declared elected at the election which is the subject of the petition was elected councillor;

(c) whether the election which is the subject of the petition was void,

and shall certify such determination to, in the case of an ordinary election, the Chief Electoral Officer and the Minister or, in the case of a special election, to the Minister.

(2) A determination referred to in subparagraph (1) shall be final.

(3) Where a fresh election is required -

(a) in the case where the election declared void was an ordinary election, a casual vacancy shall be deemed to have occurred on the date of the certificate referred to in subparagraph (1) and the Minister shall, within 42 days of the date of the certificate, fix a date for the holding of a special election to fill the casual vacancy;

(b) in the case where the election declared void was a special election, the Minister shall where it is 7 months or more before the holding of an ordinary election, not later than 42 days after the date of the certificate referred to in subparagraph (1), fix a date for the holding of another special election.

(4) Where a person is elected as a result of an election under subparagraph 3(a), he shall, subject to this Act, hold office for a period ending on the date when the other council- lers on the council would ordinarily end their 4 years term of office under section 8(1).

(5) Where, under subparagraph 3(b), it is less than 7 months before the holding of an ordinary election, section 12 (3) and (4) applies.

Report of 42(1) At the conclusion of the trial of an election petition

Court as to under paragraph 36, the Supreme Court shall also report in

illegal writing to, in the case of an ordinary election, the Chief

practice Electoral Officer and the Minister or, in the case of a special election, the
Minister only -

(a) whether an illegal practice has been proved to have been committed by or with the knowledge and consent or approval of a candidate at an election, and the nature of the practice, if any; and

(b) the names and descriptions of all persons who have been proved at the trial to have been guilty of the practice.

(2) Before making a report under subparagraph (1) in respect of a person who is not a party to an election petition under paragraph 36 or a candidate on behalf of whom the seat is claimed by an election petition under paragraph 36, the Supreme Court shall give the person an opportunity to be heard and to call evidence to show why he should not be so reported.

(3) Where the Supreme Court reports that an illegal practice has been committed by a person, the person shall be disqualified for a period of 5 years from the date of the report from being registered as a voter, and from voting at an election or referendum, under this Act or any other written law and the Minister shall, forthwith, cause the name of the person to be deleted from the register of voters of the district where the person is registered as a voter, and a note of the disqualification to be entered into all the registers of voters prepared under this Act or any other written law.

(4) Where the Supreme Court reports that an illegal practice has been committed by a person with the knowledge and consent or approval of a candidate to an election, the candidate shall, be disqualified for a period of 5 years from the date of the report from being registered as a voter, and from voting at an election or referendum, under this Act or any other written law and the Minister shall, forthwith, cause the name of the candidate to be deleted from the register of voters of the district where the candidate is registered as a voter, and a note of the disqualification to be entered into all the registers of voters prepared under this Act or any other written law.

Secrecy 43(1) A person authorized in writing by the Minister or the Chief Electoral Officer, a polling agent, counting agent or such other person authorized under this Schedule to attend at a polling station or at the counting of votes shall, unless he has taken an oath of secrecy under this Schedule, take an oath of secrecy in the prescribed form before attending at the polling station or counting.

(2) A person referred to in subparagraph (1) shall not, except for a purpose authorized under this Act or any other written law -

(a) seek to obtain any information as to the candidate for whom a person is about to vote or has voted at a polling station;

(b) communicate to any person any information of the type referred to in subsubparagraph (a);

(c) communicate to any person any information as to the name or number of voter who has or has not applied for a ballot paper or voted at a polling station or as to the official mark;

(d) seek to ascertain or communicate any information obtained at a counting of votes as to the candidate for whom any vote is given by any particular ballot paper;

(e) communicate or seek to communicate with any person after that person has received a ballot paper and before that person has placed the paper in the ballot box.

Display of
emblems in
vicinity of
polling
station

44 A person shall not, within a building when voting in an election is in progress, or at any place within the radius of 200 metres of any such building, wear or display any card, symbol, favour or other emblem indicating support for a particular candidate in the election.

Inaccurate
description

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

Power of
officer
appointed
under
paragraph 1

46 A person appointed under paragraph 1 may at any time demand from any person any information necessary to ascertain what persons are qualified to vote at elections and what persons are qualified to stand as candidates, to identify any person or the place of residence of any person and to ascertain whether any person has become disqualified from voting or standing as candidate.

Remuneration 47 A person employed in connection with an election under
of staff this Schedule shall receive such reasonable remuneration for his services as
the Minister may authorize.

Exemption 48 An instrument made on oath pursuant to this Schedule is
from exempt from stamp duty under the Stamp Duty Act.
stamp duty
Cap. 226.

SCHEDULE 3 (section 14)

REFERENDUM

Date of 1. (1) Subject to section 14(2), the Minister shall,
referendum within 7 days after receiving a petition under section 14(1)
and for the holding of a referendum -
appointment
of officers (a) give notice in the Gazette and in the district
where the referendum is to be held of -

- (i) the date of the holding of the referendum;
- (ii) the district in which the referendum is to be held;
- (iii) the name of the councillor in respect of whom the referendum is to be held;

(iv) the address of the polling station;

(v) the time of the beginning and closing of poll;

(b) appoint -

(i) the officer, referred to in this Act as the Presiding Officer, who is to have responsibility for the supervision of the referendum;

(ii) polling assistants to help the Presiding Officer in the conduct of the referendum and the counting of votes.

(2) A referendum for the purposes of section 14(1) shall be held not later than 42 days after the receipt by the Ministry of a petition under section 14(1).

Register of 2.(1) Subject to any amendment made to the register of

voters voters in accordance with section 30(3), paragraph 43 of Schedule 2, paragraph 32 of this Schedule and this paragraph, the register of voters for the purposes of the holding of a referendum in a district shall be the register of voters of the district which was finalised under paragraph 5 of Schedule 2 before the holding of the immediately preceding election in the district or under this paragraph before the holding of the immediately preceding referendum held in the district, whichever occurred last.

(2) The Presiding Officer shall by notice published in the Gazette and at the district office specify the place where and the time at which the register of voters may be inspected.

(3) A person who -

(a) qualifies to be registered as a voter but whose name does not appear in the register may, until 7 days after the last day on which the register may be inspected, apply to the Presiding Officer for inclusion of his name in the register;

(b) is registered as a voter in the district and who objects to the inclusion of his name or the name of any other person on the ground that he or the other person no longer qualifies to be registered as voter in the district or that the other person is dead may, within 2 days after the last day on which the register may be inspected, apply to the Presiding Officer for the removal of his name or the name of the other person from the register.

(3) The Presiding Officer may, after hearing the person who has made the application and considering such other evidence as he thinks necessary, amend or otherwise the register and his decision shall be final and the court shall not entertain any action on the matter.

(4) A person shall, when making an application under subparagraph (2), make a deposit of R100 and, where the Presiding Officer rejects the application, the deposit shall be forfeited to the Republic.

(5) The Presiding Officer shall settle the final register of voters for the purposes of the referendum not later than 7 days before the date of the referendum.

Campaign 3.(1) The Branch of the Party in the district where the referendum is to take place shall organise a meeting for the purpose of allowing the councillor in relation to whom the referendum is being held to present his views to the voters of the district but the councillor shall otherwise not convene or address any other public meeting or undertake any public or door-to-door canvassing.

(2) A councillor in respect of whom the referendum is being held shall not pay any person for or on account of the transportation of voters to or from the polling station.

Arrangement 4 The Presiding Officer shall -

at polling

station (a) furnish the polling station with such number of compartments as he thinks necessary for the purpose of allowing voters to record their votes screened from observation;

(b) provide both outside and inside the polling station notices specifying the name of the councillor in respect of whom the referendum is being held and containing instructions relating to the voting procedures to be followed;

(c) provide the polling station with copies of the register of voters for the district.

Polling 5.(1)The Branch of the Party in the district may appoint

Agent a person, referred to hereinafter as a polling agent, to attend the polling station for the purpose of detecting personation and shall, within 3 days before the date of the referendum, notify the Presiding Officer of the name and address of the polling agent.

(2) Where a polling agent dies or becomes incapable of performing his functions before the date of the referendum, the Branch of the Party referred to in subparagraph (1) may appoint another polling agent in his place and shall forth- with give notice of the name and address of the polling agent.

Ballot boxes 6.(1)A ballot box shall be so constructed that a voter can put his ballot paper inside but cannot withdraw the ballot paper from the box.

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

Form of 7.(1)Subject to subparagraph (2), the ballot papers shall
ballot be in such form and such colour as the Minister may
paper approve.

(2) The councillor in respect of whom the referendum is being held shall be clearly identified in the ballot paper and the question in respect of which the voters have to cast their vote shall be clear and concise.

Method of voting 8.(1)Voting at a referendum shall be conducted as follows -

(a) a voter who wishes to vote -

(i) shall present himself at the polling station;

(ii) shall satisfy the Presiding Officer of his identify and that he has not voted at the referendum;

(b) subject to paragraphs 9 and 10, the Presiding Officer shall, on being satisfied as provided in sub subparagraph (a) (ii) -

(i) call out the number and particulars of the voter, as stated in the copy of the register of voters;

(ii) perforate or stamp a ballot paper with an official mark and deliver it to the voter; and

(iii) place a mark against the name of the voter in the copy of the register of voters to denote that a ballot paper has been delivered to the voter;

(c) subject to subparagraph (2), the voter shall, on receiving a ballot paper, go immediately into one of the screened compartments in the station where he shall, without delay, record his vote in the manner explained in the notice referred to in paragraph 4 or, in the case of a voter who is illiterate or does not under- stand how to record his vote, in the manner explained by the Presiding Officer in the presence of the polling agent;

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

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

Allegation of 9.(1)Where a Presiding Officer has reason to believe or a

irregularities polling agent alleges that a person wishing to vote is not a registered voter, the Presiding Officer shall -

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

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

(2) Where a polling agent refuses to state the reason for his allegation in the presence of the person wishing to vote when required to do so by the Presiding Officer, the Presiding Officer shall disregard the allegation.

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

(a) persists in voting;

(b) produces evidence to show that he is the person entitled to vote;

(c) makes and subscribes to the declaration referred to in paragraph 10,

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

Declaration of 10.(1) The Presiding Officer may, but shall, on the request

voters of the polling agent, require a person who wishes to vote, before the person is given a ballot paper, to furnish evidence of his identity to the satisfaction of the Presiding Officer and to make and subscribe to a declaration in the form provided by the Minister.

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

Admission to 11.(1) The Presiding Officer shall -

polling

station (a) regulate the admission of voters to the polling station;

(b) exclude all other persons, except the councillor in relation to whom the referendum is being held, the polling agent, polling assistants, police officers on duty and any person authorised in writing by the Minister.

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

(3) A person who has been removed under subparagraph (2) may be charged with the commission of an offence.

Adjournment 12.(1) Where proceedings at the polling station are inter-

of poll in rupted or obstructed by riot or violence, the Presiding

case of riot Officer may adjourn the proceedings until the following day and shall forthwith notify the Minister.

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

Procedure on 13. The Presiding Officer shall, as soon as practicable
closing of after the closing of the poll, in the presence of the
poll councillor in relation to whom the referendum is being held and the polling
agent if they wish to attend -

(a) make up into separate packets which he shall seal with his own seal and that of the
council- llor if the councillor so wishes -

(i) the unused ballot papers;

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

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

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

Counting Agent 14.(1) The councillor in relation to whom the referendum is being held
may appoint a person, to be known as a counting agent, to attend at the counting of votes.

(2)The councillor referred to in subparagraph (1) shall give written notice of the name and
address of the counting agent to the Presiding Officer not later than one day before the
referendum.

(3) If the counting agent dies or becomes incapable of acting as such, the councillor referred to in subparagraph (1) may appoint another counting agent in his place, shall forthwith give written notice of the name and address of the agent to the Presiding Officer.

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

Counting of votes 15. The Presiding Officer shall make arrangements for

the counting of votes in the presence of polling agents, the councillor in relation to whom the referendum is being held and the counting agent as soon as practicable after the close of the poll and shall, so far as practicable, proceed continuously with the counting until it is completed.

Persons who may be present at the counting of votes 16. Except with the consent of the Presiding Officer, no

person other than the Presiding Officer, polling assistants,

the polling agent, the councillor in relation to whom the

the referendum is being held, the counting agent and such person as may be authorized in writing by the Minister may be present at the counting of the votes.

Method of counting 17.(1) The Presiding Officer shall, in the presence of any

of the person referred to in paragraph 16 who may be present -

(a) open each ballot box;

(b) take out the ballot papers from the box;

(c) proceed to count and record the number of ballot papers and the votes.

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

(3) A ballot paper -

- (a) which does not bear the official mark referred to in paragraph 8(1) (b)(ii);
- (b) on which anything is written or marked by which a voter can be identified,

shall not be counted and shall be endorsed with the word "rejected" by the Presiding Officer or, if the councillor in relation to whom the referendum is being conducted or the counting agent objects to the decision of the Presiding Officer not to count the ballot paper, the words "rejection objected to".

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

- (a) want of official stamp; and
- (b) writing or mark by which the voter could be identified,

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

Equality of	18.(1)	Where there is an equality of votes for and against
votes and		the councillor ceasing to hold office, the Presiding Officer
re-count		shall re-count the votes cast.

(2) If after a re-count under subparagraph (1), there is still an equality of votes, the Presiding Officer shall, subject to paragraph 19, report the fact to the Minister.

Councillor or 19.(1) The councillor in relation to whom the referendum is
counting agent being held or the counting agent may, if present when the
may require counting or re-counting of the votes is completed, require
re-count the Presiding Officer to have the votes re-counted or again re-counted but the
Presiding Officer may refuse to make a third or subsequent re-count if the results of the last
two re-counts are the same.

(2)The Presiding Officer shall, on the completion of the counting on re-counting of votes,
afford the councillor or the counting agent an opportunity to exercise the right to request for a
re-count under paragraph (1).

Presiding 20.(1) Upon the conclusion of the counting of the votes,
Officer's duty the Presiding Officer with the assistance of the polling
on the conclu- assistants, shall -
sion of

counting (a) seal up in separate packets the counted and rejected ballot papers;

(b) in the presence of the councillor or the counting agent, proceed, without opening the
sealed packet containing the marked copy of the register of voters, to verify the ballot paper
account referred to in paragraph 13(b) by comparing the number of ballot papers received
with the number of ballot papers counted, rejected and unused and shall re-seal each packet
after examination;

(c) prepare a statement as to the result of the verification carried out under sub subpara-
graph (b) and, on request, allow the council- lor or the counting agent to copy the statement.

(2)The decision of the Presiding Officer as to any question regarding a ballot paper is final
and not subject to review otherwise than on a petition to the court under paragraph 26

Declaration of 21 Where the result of the referendum has been ascer-

result tained, the Presiding Officer shall -

(a) declare the result; and

(b) report the result to the Minister, and the Minister shall publish the result in the Gazette and at the office of the relevant district council.

Custody 22.(1) Subject to subparagraph (2), the Minister shall ensure the safe custody of all documents relating to the conduct of a referendum which are forwarded to him under this Act.

(2)The Minister shall destroy all documents referred to subparagraph (1) after the expiration of 6 months from the date of the referendum unless otherwise directed by an order of the court.

Delegation 23. The Presiding Officer may, unless otherwise directed by the Minister, authorise a polling assistant to do any act or thing which the Presiding Officer may do under this Act and a reference, other than in this paragraph, in this Act to the Presiding Officer shall be deemed to include a reference to a polling assistant.

Non-attendance 24. Where, under this Schedule, an act or thing is
of agent etc required or authorised to be done in the presence of a
not to invali- polling agent, the councillor in relation to whom a referen-
date proceed- dum is being held or the counting agent, the non-attendance
ings of the polling agent, councillor or counting agent at the time and place
appointed for the purpose shall not invali- date the act or thing.

Avoidance of 25. The manner a referendum has been conducted or the
referendum result of a referendum shall not be questioned or subject to a review in any
court whatsoever except on a petition presented to the Supreme Court under this Schedule.

Petition 26. A petition to the Supreme Court in relation to a referendum may be presented by -

- (a) a person who had a right to vote or who lawfully voted at the referendum;
- (b) the councillor in relation to whom the referendum was held;
- (c) the Attorney-General.

Relief which 27. A petition referred to in paragraph 26 may claim -
may be

- claimed (a) a declaration that the referendum was void;
- (b) a re-count of the votes.

Time for 28. A petition referred to in paragraph 26 shall be
presentation presented 10 days after the date of the publication of the
of petition result of the referendum in the Gazette under paragraph 21.

Trial 29.(1) The trial of a petition referred to in paragraph 26 shall, subject to
subparagraph (2), be held in the same manner as a trial before the Supreme Court in its
original civil jurisdiction.

(2)The Supreme Court -

- (a) may, by order, compel any person who appears to the Court to be concerned in the
referendum to attend as a witness to the trial;

(b) examine a witness referred to in sub paragraph (a) or any person in court, although the person has not been called as a witness.

(3) A witness referred to in subparagraph (2) may be cross-examined by the petitioner, respondent and Attorney- General or his representative, if present at the trial.

Referendum 30.(1) A referendum shall be declared void if it is proved declared to the satisfaction of the Supreme Court - void

(a) that the referendum was not conducted in accordance with this Act and as a result the result of the referendum has been affected;

(b) an illegal practice was committed in connection with the referendum or with the knowledge and consent or approval of the councillor in relation to whom the referendum was carried out.

(2) Where it appears to the Supreme Court on a petition under paragraph 26 -

(a) that act or omission of the councillor in relation to whom the referendum was held or any other person, which, but for this subparagraph, would be an illegal practice under this Act, has been done or made in good faith through inadvertence or accidental miscalculation or some other reasonable cause of a like nature; or

(b) that upon taking into account all the relevant circumstances it could be just that the councillor or any other person should not be subject to any of the consequences under this Act for such act or omission,

the Supreme Court may make an order allowing the act or omission, which would otherwise be an illegal practice under this Act, to be an exception to this Act and the councillor or any other person shall not be subject to the consequences of this Act in respect of the act or

omission, and the result of the referendum shall not, by reason only of the act or omission, be void.

Certificate of 31.(1) At the conclusion of a trial of a petition under
court as to paragraph 26, the Supreme Court shall make a determination
validity of whether the referendum was valid and shall certify such
referendum determination to the Minister.

(2)A determination under subparagraph (1) is final.

(3)Where a referendum has been declared void under this Schedule and a new referendum is required the Minister shall, not later than 7 days after the date of the certificate referred to in subparagraph (1), fix a date for the holding of another referendum.

Report of the 32.(1) At the conclusion of the trial of a petition under
court as to paragraph 26, the Supreme Court shall report in writing
illegal prac- to the Minister -
tice

(a) whether an illegal practice has been proved to have been committed by or with the knowledge and consent or approval of the councillor in relation to whom the referendum was held, and the nature of the practice, if any; and

(b) the names and descriptions of all persons who have been proved at the trial to have been guilty of the practice.

(2)Before making a report under subparagraph (1) in respect of a person who is not a party to the petition under paragraph 26, the Supreme Court shall give the person an opportunity to be heard and to call evidence to show why he should not be so reported.

(3)Where the Supreme Court reports that an illegal practice has been committed by a person, the person shall be disqualified for a period of 5 years from the date of the report from being registered as a voter, and from voting at an election or referendum, under this Act or any other written law and the Minister shall forthwith cause the name of the person to be deleted from the register of voters of the district where the person is registered as a voter, and a note of the disqualification to be entered into all the registers of voters prepared under this Act or any other written law.

(4)Where the Supreme Court reports that an illegal practice has been committed by a person with knowledge and consent or approval of the councillor in relation to whom the referendum was held, the councillor shall be disqualified for a period of 5 years from the date of the report from being registered as a voter, and from voting at an election or referendum, under this Act or any other written law and the Minister shall, forthwith, cause the name of the councillor to be deleted from the register of voters of the district where the councillor is registered as a voter, and a note of the disqualification to be entered into, all the registers of voters prepared under this Act or any other written law.

Secrecy 33.(1) The Presiding Officer, polling assistant, person authorized by the Minister in relation to the referendum, polling agent, counting agent authorized to attend at the polling station or at the counting of the votes shall, unless he has taken an oath of secrecy under this Schedule, take an oath of secrecy in the prescribed form before attending at the polling station or counting.

(2)A person referred to in subparagraph (1) shall not, except for a purpose authorized under this Act or any other written law -

(a) seek to obtain any information as to the manner in which a person has cast his vote at the referendum;

(b) communicate to any person any information referred to in subsubparagraph (a);

(c) communicate to any person any information as to the name or number of voter who has or has not applied for a ballot paper or voted as a referendum or as to the official mark;

(d) communicate or seek to ascertain any information obtained at a counting of votes as to how any vote has been cast by any particular ballot paper;

(e) communicate or seek to communicate to any person after that person has received a ballot paper and before that person has placed the paper in the ballot box.

Display of emblem 34. A person shall not, within a building when voting in a referendum is in progress, or at any place within a radius of 200 metres of such building, wear or display any card, symbol, favours or other emblem indicating support or opposition to the councillor in respect of whom the referendum is being held.

Inaccurate description 35. A misname or inaccurate description of a person or place named or described in a notice or other document prepared or issued under this Schedule shall not affect the operation of this schedule as respect the person or place if the person or place so designated in the notice or other document can be identified.

Power of officer appointed under paragraph 1 36. A person appointed under paragraph 1 may at any time demand from any person any information necessary to ascertain what persons are qualified to vote a referendum, to identify any person or the place of residence of any person and to ascertain whether a person has become disqualified from voting.

Remuneration of staff 37. A person employed in connection with a referendum under this Schedule shall receive such reasonable remuneration for his services as the Minister may authorise.

Exemption from stamp duty 38. An instrument made on oath pursuant to this Schedule is exempt from stamp duty under the Stamp Duty Act.

Cap. 226.

SCHEDULE 4 (section 17)

MEETING OF COUNCIL

Ordinary meeting 1. A council shall hold a meeting, which shall be referred to as an ordinary meeting, at least once a week.

Extraordinary meeting 2.(1) The Chairman may, wherever he is of the opinion that it is desirable to do so, and shall, on the written requisition of at least 2 councillors, convene a meeting, other than an ordinary meeting, of the council.

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

(3) Where the Chairman does not convene a meeting after a requisition referred to in subparagraph (2) within 7 days after receiving the requisition, the councillor shall advise the Minister of the fact and the Minister shall convene the meeting of the council.

(4) A meeting convened under subparagraph 2 or subparagraph (3) shall be referred to as an extraordinary meeting.

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

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

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

(4) Where all the councillors of a Council are present at a meeting they may waive the requirement of sub-paragraphs (2) and (3).

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

Quorum 4. The quorum for a meeting of the council is 4.

Chairmanship 5.(1) The Chairman, shall preside at a meeting of the council.
of meeting

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

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

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

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

(4) Unless the councillors at a meeting otherwise decide, meetings of the council shall be held in private.

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

Minutes 7.(1) A council shall keep a book containing the minutes of its proceedings and a record of its decisions, orders and other acts.

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

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

(4) The book referred to in sub-paragraph (1) shall be open for inspection by the Minister or any person nominated by the Minister.