

G.N. 259/1962

² REPRESENTATION OF THE PEOPLE (VOTING UNDER PROTEST) RULES

(SECTION 64(3))

[Commencement 24th November, 1962]

Title.

1. These Rules may be cited as the Representation of The People (Voting under Protest) Rules.

Interpretation.

2. In these Rules, unless the context otherwise requires —

“Registrar” means the Registrar of the Supreme Court;

“returning officer” means a returning officer authorised under section 12 of the Representation of The People;

“the Act” means The Act.

Manner of making application to court.

3. (1) Every application to the Election Court under the provisions of section 64 of the Act shall be by petition and shall be made by delivering the petition at the office of the Registrar, and the Registrar or the officer of his department to whom the petition is delivered shall, if required, give a receipt in the following form —

“Received on the day of 19 at the Registry of the Supreme Court, a petition to have the validity of the protest votes touching, the election for the constituency determined, and purporting to be signed by (insert the name of the petitioner).”

(2) With the petition two copies thereof shall be left for use by the Election Court and a copy for service on each candidate other than the petitioner and any candidates who have been declared elected.

Contents of petition.

4. (1) A petition shall state —

(a) the right of a petitioner to make application to the Election Court under subsection (2) of section 64 of the Act;

(b) briefly the holding of the election and the names of the candidate or candidates declared to be elected and the names of the candidate or candidates who were not declared to be elected.

² Originally made under section 65 of the House of Assembly Elections Act (No. 39 of 1959.)

(2) The petition shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively, and no costs shall be allowed for drawing or copying any petition not substantially in compliance with this rule unless otherwise ordered by the Election Court.

(3) The petition shall conclude with a prayer that the validity of the protest votes cast for all candidates (other than elected candidates) in the constituency concerned shall be determined by the court and certified to the returning officer in accordance with subsection (4) of section 64 of the Act.

5. Where more petitions than one are presented relating to the same election, all such petitions shall be dealt with as one petition, so far as the inquiry into the same is concerned.

Inquiry into petitions.

6. Upon receipt of the petition the Registrar shall require the returning officer to transmit to him forthwith under sealed cover all the ballot papers for protest votes cast for candidates (other than elected candidates) at the polling in his constituency together with the counterfoils of such ballot papers and the register for that constituency.

Procedure upon receipt of petition.

7. The Election Court shall fix the time and place of hearing of the petition and shall give notice thereof to the petitioner and all candidates other than those who have been elected.

Hearing of petition.

8. All costs of and incidental to the presentation of a petition and to the proceedings consequent therein shall be defrayed by the parties in such manner and in such proportions as the Election Court may determine.

Costs.

9. Costs shall be taxed by the Registrar upon the order by which the costs are payable in the same manner as costs are taxed in the Supreme Court, but subject to such express directions, either general or specific, as the Election Court may give; and costs when taxed may be recovered in the same manner as the costs of an action at law.

Taxation and recovery of costs.