

JAMAICA

No. 11 – 2005

In assent,

[L.S.]

(sgd) JF Cooke  
*Governor-General.*  
March 17, 2005

AN ACT to Amend the Parish Councils Act.

[ *March 18, 2005* ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Parish Councils (Amendment) Act, 2005, and shall be read and construed as one with the Parish Councils Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title  
and  
construction.

2. Section 28 of the principal Act is amended—

(a) by deleting subsection (3) and substituting therefor the following as subsections (3), (3A), (3B), (3C), (3D) and (3E)—

Amendment  
of section 28  
of principal  
Act.

" (3) Subject to subsections (8) and (9), no elector shall receive a ballot paper or be permitted to vote unless his identity as the person whose name appears on the official list of electors for that electoral division has been established, as directed by the presiding

officer or any other person authorized by him, in accordance with the provisions of this section.

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

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

- (a) no ballot paper shall be issued to him; and
- (b) erasing lines shall be drawn through his name on the official list of electors and in the poll book, if such name has been entered in the poll book, and the words “Refused to be identified by finger print” shall be written thereafter.

(3C) Where the specified equipment fails to function or to function properly or no such equipment is provided, the elector shall—

- (a) produce to the presiding officer his identification card or other prescribed document establishing his identity, and
- (b) take the oath in the form set out in the second schedule and otherwise establish his identity to the satisfaction of the presiding officer; or
- (c) as the case may require, satisfy all the conditions specified in subsection (7).

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

(3E) In determining whether or not the specified equipment has failed to function or function properly the presiding officer shall seek and be bound by the

advice of the Chief Electoral Officer or the person nominated by him so to determine.”;

- (b) by deleting subsections (5) and (6) and substituting therefor the following as subsections (5) and (6)—

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

- (a) no ballot paper shall be issued to him; and
- (b) erasing lines shall be drawn through his name on the official list of electors and in the poll book, if such name has been entered in the poll book, and the words “Refused to be sworn” shall be written thereafter.

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

- (a) the specified equipment; and
- (b) any identification card or other prescribed document used to establish the identity of an elector produced pursuant to subsection (3C).”;

- (c) in subsection (7) by deleting the words “paragraph (b) of subsection (5)” and substituting therefor the words “subsections (3C) and (3D)”; and

- (d) by inserting next after subsection (9) the following as subsection (10)—

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

Passed in the House of Representatives this 1st day of March, 2005.

MICHAEL PEART  
*Speaker.*

Passed in the Senate this 11th day of March, 2005, with one (1) amendment.

SYRINGA MARSHALL-BURNETT  
*President.*

On the 15th day of March, 2005 the House of Representatives agreed to the amendments made by the Senate.

MICHAEL PEART  
*Speaker.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

*Clerk to the Houses of Parliament.*