

LAWS OF GUYANA

NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT

CHAPTER 1:04

Act

Reg. 40 of 1964

Amended by

16 of 1968

O. 50/ 1980

O. 80/1980

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CHAPTER 1:04
NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT

Reg. 40 of 1946 [O. 50/1980] **An Act to provide for the determination of questions relating to the validity of elections of members of the National Assembly under a system of proportional representation, to other matters affecting such elections, to the allocation of seats of such members in the Assembly, and to vacancies in such seats.**

[5TH DECEMBER, 1964]

Short title. [16 of 1968] **1.** This Act may be cited as the National Assembly (Validity of Elections) Act.

Interpretation. [O. 80/1980] **2.** (1) In this Act—
“assistant agent” means an assistant agent appointed under section 24(1) of the Representation of the People Act;

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c. 1:03 “candidate” means a person whose name is included in a list of candidates submitted to the Chief Election Officer under section 11 of the Representation of the People Act and approved or, having effect as if approved, by the Commission;

c. 1:03 “Commission”, “election”, “election day”, “group of candidates”, have the meanings respectively assigned to them by section 2 of the Representation of the People Act;

“costs” includes charges and expenses;

“Court” means the High Court;

c. 1:03 “election agent” means an election agent appointed under section 23(1) of the Representation of the People Act;

“elector” shall be construed as provided in the definition of “election” in section 2 of the Representation of the People Act;

“judge” means a judge of the Court;

“Registrar” means the Registrar of the Supreme Court;

c. 1:01 “rules of court” has the same meaning as in article 163(4) of the Constitution;

“Speaker” means the Speaker of the National Assembly.

c. 1:03 (2) In this Act, any references to a corrupt or illegal practice, or to illegal payments, employments or hirings shall be construed according to the Representation of the People Act.

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Method of questioning validity of election.
[16 of 1968
O. 50 of 1980]

3. (1) Any question referred to in article 163(1) (a), (b) and (c) of the Constitution may, in respect of an election referred to in article 60(2) of the Constitution and with a view to securing appropriate remedial orders, be referred to the Court and shall thereupon be determined by it, in accordance with this Act.

(2) Every such reference shall be by a petition (hereinafter referred to as an election petition) presented to the Court in accordance with this Act.

Presentation and service of election petition.
[16 of 1968
O. 50/1980]

4. (1) An election petition may be presented by an elector or by a candidate.

(2) The person hereinafter referred to as the respondent is the representative of such list of candidates for election as comprises the names of persons with whose interests arising out of the election any contention in the election petition conflicts; and if the petition complains of any act or omission on the part of the Commission, or any member thereof, or any such person as is mentioned in article 162(1)(b) of the Constitution, the Chief Election Officer shall, for the purposes of this Act, be deemed to be a respondent and, if it questions the qualification of any person to be elected to the National Assembly, he or she shall, for the said purposes, be deemed a respondent.

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(3) Reference in subsection (2) to the representative of any list of candidates shall be construed as reference to the person who was nominated or regarded as such for the purpose of the Representation of the People Act, and the foregoing provisions of this section shall, in his or her absence or in respect of the performance under this Act of any functions delegated by him or her to his or her deputy, have effect as if for each reference in such provisions to the representative there were substituted a reference to the deputy representative.

(4) An election petition shall be in the prescribed form, state the prescribed matters and be signed by the petitioner or all of the petitioners if more than one, and shall be presented by delivering it at the office of the Registrar; and the Registrar or the officer of the registry of the Supreme Court to whom the petition is delivered shall, if required, give a receipt therefor.

(5) The Registrar shall cause a copy of the petition to be transmitted to such persons as may be prescribed and shall cause the petition to be published in the prescribed manner.

(6) An election petition shall be served in such manner as may be prescribed.

Time for
presentation of
election
petition.
[16 of 1968]
c. 1:03

5. (1) Subject to this section, an election petition shall be presented within twenty-eight days after the results of the election out of which the matter in question on the petition arose are published in the *Gazette* under section 99 of the Representation of the People Act.

(2) If the petition questions the effect of the election upon an allegation of a corrupt practice and specifically alleges a payment of money or other reward to have been made by the date referred to in subsection (1) in pursuance or furtherance of the alleged corrupt practice, it may be presented within twenty-eight days after the date of the payment.

(3) An election petition questioning the effect of the election upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented—

- (a) within fourteen days after section 109(1) of the Representation of the People Act has been complied with in

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relation to the election expenses of the group of candidates comprised in any list mentioned in section 5 with reference to that election petition;

- (b) if specifically alleging a payment of money or some other act to have been made or done since such compliance, in the pursuance or in furtherance of the alleged illegal practice, within twenty-eight days after the date of the payment or other act:

Provided that when there is an authorised excuse for failing to make an election expenses return or election expenses declaration section 109(1) of the Representation of the People Act shall, for the purposes of this subsection, be deemed to have been complied with on the date of the allowance of the excuse, or, if there was such a failure in two or more respects and the excuse was allowed at different times, on the date of the allowance of the last excuse as defined in section 110(4) of the Representation of the People Act.

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(4) Subsection (3) shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(5) For the purposes of this section, the allegation that corrupt or illegal practices or illegal payments, employments or hirings were committed in reference to the election and had so extensively prevailed that they may have affected, or have affected, the allocation of seats under section 97 of the Representation of the People Act, shall be deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.

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Amendment of
election
petition.

6. The Court may, at any stage before conclusion of the trial of an election petition, allow the petitioner to alter or amend the petition in such manner and on such terms as may seem just:

Provided that no amendment for the purpose of inserting an allegation of a corrupt or illegal practice in a petition shall be allowed, unless made within the time within which a petition might have been presented under section 5.

Security for
costs.

7. (1) At the time of presenting an election petition or within three days afterwards the petitioner shall give security for all costs which may become payable by him or her to any witness summoned on his or her behalf or to any respondent.

(2) Security shall be of an amount of one thousand dollars and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

Service of
petition.
[16 of 1968]

8. Within the prescribed time, not exceeding five days after the presentation of an election petition, the petitioner shall in the prescribed manner serve on the respondent a notice of the presentation of the petition, and of the nature of the security or proposed security, and a copy of the petition, unless the Court otherwise directs on the application of the petitioner.

Objections to
security.

9. (1) Within a further prescribed time, not exceeding ten days after service of the notice of the presentation of the petition, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that the person named in the recognisance has not duly acknowledged the recognisance.

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(2) An objection to the security shall be heard and decided by a judge, whose decision shall be final, and if the objection be allowed, the petitioner may, within such time as may be allowed, remove the objection by giving further security either in the form of an additional recognisance with a surety or sureties approved by the judge, or by deposit in the prescribed manner of such sum of money as the judge may deem sufficient.

(3) The costs of hearing or deciding objections made as to security shall be paid as ordered by the judge or, in the absence of such order, shall form part of the general costs of the petition.

Dismissal of petition on failure to give security.

10. (1) If security as in section 7 provided is not given by the petitioner, or if any objection is allowed and not removed as in section 9 provided, no further proceedings shall, subject to section 11, be had on an election petition and the respondent may apply to a judge for an order directing the dismissal of the petition and for the payment of the respondent's costs.

(2) The costs of hearing and deciding such application shall be paid and ordered by the judge or, in the absence of such order, shall form part of the general costs of the petition.

Substitution of petitioner on failure to give security.

11. (1) On the hearing of an application under section 10 any person who might have been a petitioner in respect of the matter to which the election petition relates may apply to the judge to be substituted as a petitioner for the original petitioner and the judge may, if he or she thinks fit, dismiss the original petitioner from the petition and substitute as the petitioner such applicant, who shall provide security in the sum of one thousand dollars and subject to the like conditions and to the same rights of objection as in the case of the original petitioner.

(2) Such security shall be given within three days of the making of the order of substitution and on the failure of the applicant to comply with this subsection the petition shall stand dismissed.

Petition at issue.

12. On the expiration of the time limited for objections or, after objection made, on the objection being disallowed or removed whichever last happens, the election petition shall be at issue.

Trial of petition.
[16 of 1968]

13. (1) An election petition shall be tried by the Court in open court, without a jury, and notice of the time and place of trial shall be given in the prescribed manner not less than fourteen days before the day of trial.

(2) The Court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day, not being a holiday observed by the Court, until conclusion:

Provided that an election petition may be presented and heard and all other necessary proceedings thereunder may be taken during any period appointed as a vacation to be observed by the Court.

(3) The trial of an election petition shall be proceeded with notwithstanding the prorogation of Parliament and notwithstanding the resignation of any person as a member of the National Assembly.

(4) On the trial of the petition, unless the Court otherwise directs, any charge of a corrupt or illegal practice may be gone into and evidence in relation thereto received, before any proof has been given of agency on behalf of any

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candidate in respect of the corrupt or illegal practice.

Witnesses.

14. Witnesses shall be summoned and sworn in the same manner as in an ordinary action within the jurisdiction of the Court and shall be subject to the same penalties for perjury.

Power of Court
to summon
witnesses.

15.(1) On the trial of an election petition the Court may by order require any person who appears to it to have been concerned in the election to attend as a witness and any person refusing to obey this order shall be guilty of contempt of court.

(2) The Court may examine any person so required to attend or who is in court, although he or she is not called or examined by any party to the petition.

(3) A witness may, after his or her examination by the Court under subsection (2), be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(4) The Director of Public Prosecutions shall obey any direction given him by the Court with respect to the summoning and examination of any witness to give evidence at the trial:

Provided that the examination of a witness may be conducted by such counsel as the Director of Public Prosecutions may appoint as his or her representative for that purpose and it shall not be necessary for a person appointed as the representative of the Director of Public Prosecutions under any provision of this Act to produce any commission or other proof of his or her having been so appointed.

Obligation of
witness to

16.(1) A person called before the Court as a witness respecting an election shall not be excused from answering

answer. any question relating to any offence at or connected with the election on the ground that the answer thereto may criminate or tend to criminate him or her on the ground of privilege:

Provided that—

- (a) a witness who answers truly all questions which he or she is required by the Court to answer shall be entitled to receive a certificate of indemnity from the Court stating that the witness has so answered; and
- (b) an answer by a person to a question put by or before the Court when trying an election petition shall not, except in the case of any criminal proceedings for perjury in respect of the evidence, be in any proceedings, civil or criminal, admissible in evidence against him.

c. 1:03 (2) Where a person has received a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any corrupt or illegal practice, or any illegal payment, employment or hiring, or any offence under section 125 of the Representation of the People Act or section 23 of this Act, committed by him previously to the date of the certificate at or in relation to the election, any court having cognisance of the case shall, on production of the certificate, stay the proceeding and may, in its discretion, award to the said person such costs as he or she may have been put to in the proceeding.

(3) Nothing in this section shall be deemed to relieve a person receiving a certificate of indemnity from any

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incapacity under any law relating to elections or from any proceedings (other than a criminal prosecution) to enforce such incapacity.

Elector not to be asked for whom he or she voted.
[16 of 1968]

17. No communication in contravention of section 77(2) (c) or (3) of the Representation of the People Act, and no disclosure by any person of which list or lists of candidates he or she voted or did not vote for, or intended or did not intend to vote for, shall be admissible in evidence in any proceeding on an election petition.

Expenses of witnesses.

18. (1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses in the trial of civil actions before the Court may be allowed to such person under the hand of a judge or the Registrar, and the amount to be paid to any such witness shall be ascertained and certified by the Registrar.

(2) The expenses of a witness called by a party shall be deemed to be costs of the petition but the expenses of a witness called by the Court shall be deemed part of the expenses of the Court and paid out of moneys provided by Parliament.

Production of election documents.

19. Any document or paper relating to an election and required to be kept thereafter in safe custody by the Chief Election Officer under section 102 of the Representation of the People Act, may be inspected or produced under an order of the Court for the purpose of an election petition and the order may be made by a judge on his or her being satisfied by evidence on oath that such inspection or production is required for the purpose aforesaid:

Provided that the Chief Election Officer shall, after the expiration of twelve months from the date of an election, burn all such documents and papers relating thereto.

Scrutiny.

20. (1) On a scrutiny at the trial of an election petition any tendered vote proved to be a valid vote shall, on the application of any party to the petition be added to the poll and any vote given on a ballot paper in contravention of section 87(2) of the Representation of the People Act shall be struck off.

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(2) Any decision referred to in section 87(5) of the Representation of the People Act shall be subject to reversal by the Court on an election petition.

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Withdrawal of petition.

21.(1) A petitioner shall not withdraw an election petition without the leave of the Court on special application, made in the prescribed manner and at the prescribed time and place.

(2) The application shall not be made until the prescribed notice of the intention to make it has been given in the prescribed manner.

(3) Where there are more petitioners than one, the application shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn the petitioners shall be liable to pay the costs of the respondent.

Evidence required for withdrawal of petition.

22. (1) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors and by the election agents of all the said parties who were candidates at the election, but the Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

(2) Each affidavit shall state that, to the best of the

deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavits of the applicant and his or her solicitor shall further state the grounds on which the petition is sought to be withdrawn.

(4) Copies of the said affidavit shall be delivered to the Director of Public Prosecutions a reasonable time before the application for the withdrawal is heard, and the Court may hear the Director of Public Prosecutions, or his or her duly appointed representative, in opposition to the allowance of the withdrawal of the petition, and shall have the power to receive the evidence on oath of any person or persons whose evidence the Director of Public Prosecutions or his or her representative may consider material.

(5) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

Punishment for
corrupt
withdrawal.
[6 of 1997]

23. If any person makes any agreement or terms or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms or undertaking is or are for the withdrawal of the petition in consideration of any payment, or in consideration that a seat shall at any time be vacated, or in consideration of the withdrawal of any other such election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he or she shall be guilty of a

misdemeanour and shall be liable on conviction on indictment to a fine of sixty-five thousand dollars and to imprisonment for twelve months.

Substitution of new petitioner on withdrawal of petition.

24. (1) On the hearing of the application for leave to withdraw a petition any person who might have been a petitioner in respect of the matter to which the petition relates may apply to the Court to be substituted as the petitioner and the Court may, if it thinks fit, substitute him accordingly.

(2) If the proposed withdrawal is in the opinion of the Court the result of any agreement, terms or undertaking prohibited by section 23 or induced by any corrupt bargain or consideration, the Court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in the security, the original petitioner and his or her surety shall be liable to pay the costs of the substituted petitioner.

(3) If no such order is made with respect to the security given by or on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition and subject to the like conditions and to the same right of objection shall be given by or on behalf of the substituted petitioner within three days after the making of the order of substitution and before he or she proceeds with the petition; and if the substituted petitioner fails to comply with this subsection the petition shall stand dismissed.

(4) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

Report on withdrawal.

25. (1) Where an election petition is withdrawn, the Court shall make a report to the Speaker.

(2) The report shall state whether in the opinion of the Court the withdrawal of the election petition was the result of any agreement, terms or undertaking or was in consideration of any payment, or in consideration that a seat should be at any time vacated or in consideration of the withdrawal of any other such election petition or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

Abatement of petition.

26.(1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of the petition shall not affect the liability of the petitioner or any other person to the payment of costs incurred in respect of any proceeding taken prior to the abatement.

(3) On the abatement of a petition the prescribed notice thereof shall be given in the prescribed manner; and any person who might have been a petitioner may, within the prescribed time after the notice is given, apply to the Court in the prescribed manner to be substituted as a petitioner; and the Court may if it thinks fit, substitute him accordingly.

(4) Security shall be given on behalf of a petitioner so substituted as in the case of a new petition.

Withdrawal and substitution of respondents before trial.
[16 of 1968]

27. (1) If before the trial of an election petition—

- (a) a respondent other than the Chief Election Officer gives the prescribed notice that he or she does not intend to oppose the petition or dies, the Registrar shall give notice thereof in the prescribed manner and any person who might have been a petitioner in respect of the election

may, within the prescribed time after the notice is given, apply to the Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly;

- (b) a majority of the members of the National Assembly whose names appear on the list of candidates represented by the respondent apply to the Court for any person to be admitted as a respondent, or substituted for the respondent (other than the Chief Election Officer or a respondent whose qualification to be elected as such a member is questioned), the Court may, if it thinks fit, grant the application on such terms and conditions as the Court considers just.

(2) A respondent who has given the prescribed notice that he or she does not intend to oppose the petition or for whom any person has been substituted shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

Avoidance of election candidate for lack of qualification. [16 of 1968]

28. (1) Where, on an election petition questioning the qualification of any person to be elected as a member of the National Assembly, the Court determines that he or she was not qualified to be so elected; the Court shall declare his or her election as aforesaid to have been void.

(2) Every vacancy in the Assembly in consequence of any such declaration shall be filled in the manner provided by article 70 of the Constitution.

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Re-allocation
of seats in
National
Assembly.
[16 of 1968]
c. 1:03

29. (1) Where on an election petition the Court determines that the seats in the National Assembly were not allocated in accordance with section 97 of the Representation of the People Act, the Court shall so declare and may order that the seats be re-allocated in accordance with those provisions and that the membership of the Assembly be re-determined and re-declared in accordance with section 98 of the Representation of the People Act, so, however, those candidates selected thereunder from any list of candidates upon the defective allocation shall, in the order of extraction of their names upon such selection as aforesaid, be entitled to retain their seats in so far as the number of seats re-allocated to that list permits.

c. 1:03

(2) Where on an election petition the Court, on a scrutiny, determines that the number of valid votes cast for any list of candidates differs from the number of votes upon which seats in the National Assembly were allocated to that list, the Court may so declare and thereupon the allocation of seats to that list shall be reviewed by the Commission and, on it appearing to the Commission from such review that any seat was unlawfully allocated in consequence of such difference, the Commission shall direct the re-allocation of such seat in accordance with section 97 of the Representation of the People Act and in keeping with the number of valid votes cast as aforesaid, whereupon the membership of the Assembly shall be re-determined and re-declared in like manner as if the seat had been so re-allocated under subsection (1).

Unlawful acts
or omissions
affecting results
[16 of 1968
O. 50/1980]

30.(1) Where it is determined by the Court, being satisfied for the purpose beyond reasonable doubt on an election petition, that any unlawful act or omission (not remediable under section 28 or 29) affected the result of an election which would otherwise have lawfully resulted —

(a) in different placing of the respective

c. 1:03

lists of candidates in the order of magnitude of the allocations of seats to such lists under section 97 of the Representation of the People Act, or in different placing of any of the lists in that order, from their placing as aforesaid according to the result so affected; or

c.1:03

- (b) in more than half the members of the National Assembly being persons whose names appear on any list the seats allocated to which under section 97 of the Representation of the People Act are occupied by not more than half the members of the Assembly according to the result affected as aforesaid;

the Court may, in consequence of such determination, declare the election, or any part thereof if the Court is satisfied that the remainder is conveniently severable and was not affected by such unlawful act or omission, to have been ineffective and may accordingly order a fresh election to be held in whole or part for the purpose of rectifying the said result and give such incidental, ancillary or supplementary directions as the Court deems meet for the purpose of such rectification, including (without prejudice to the generality of the foregoing) the re-allocation of seats in the National Assembly.

(2) Where the Court—

- (a) is satisfied beyond reasonable doubt on an election petition that, contrary to law, any votes of persons who are electors belonging to any class were precluded from being cast; and

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- (b) determines that the result of the election may thereby have been substantially affected;

the Court may order a fresh ballot on the part of that class of electors and may, to the extent deemed meet by the Court, exercise in relation to the election, or its result, any such other powers as are exercisable under subsection (1) in consequence of any determination mentioned therein.

(3) It shall not be a ground for rectification of the result of an election that—

- (a) any person purported to have been appointed to exercise powers or perform duties referred to in article 162(1) (b) of the Constitution was not duly appointed;
- (b) the names of any persons have been wrongfully omitted from or included in any preliminary list of electors, as modified for the purpose of bringing it into conformity with the appropriate register of electors, unless the Court is satisfied beyond reasonable doubt that such names were omitted or included as aforesaid otherwise than in good faith;
- (c) any illegality or irregularity was committed in the compilation or revision of any register of electors unless the Court is satisfied beyond reasonable doubt that such illegality or irregularity, as the case may be, was committed otherwise than in

good faith.

(4) Nothing in subsection (3) shall be construed to authorise the rectification of any such result of an election as is not liable to be rectified apart from that subsection.

(5) The result of an election shall not be impugned on the ground that the application of any elector entitled to vote by proxy so to vote was refused or that the application of any elector not entitled so to vote was granted; and such refusal and grant shall be deemed not to be procedural irregularities and notwithstanding any of the provisions of this section or the Representation of the People Act no votes shall be deemed invalid by reason thereof.

c. 1:03

Effect and
manner of
exercise of
Court's
powers.
[16 of 1968
O. 80 of 1980]

31. (1) Every declaration made by the Court under section 28, 29 or 30 shall, at the order of the Court, take effect at such time, and be subject to such saving of the validity of things done before that time, as the Court may in the circumstances, due regard being had to the interests of effective government of Guyana, consider expedient, but without prejudice to the making, giving or execution of such order or direction pursuant to that declaration as may be just:

Provided that no saving to which any declaration is subject as aforesaid shall prevent the subsistence of anything (its validity having been so saved) from being terminated or otherwise affected in due course.

(2) If Parliament is dissolved at any time after the making of an order under section 29 or 30, or the giving thereunder of any direction, and before completion of the execution of that order or direction, as the case may be, such execution shall not be proceeded with.

(3) The result of an election shall not be liable to rectification in consequence of the determination by the

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Court of any question mentioned in section 3(1), or whether an election has been lawfully conducted, except under section 28, 29 or 30.

Conclusion of
trial of
petition.
[16 of 1968]

32. At the conclusion of the trial of an election petition the Court shall forthwith certify in writing its determination to the President and the Speaker; and the Court may in addition to giving the certificate and at the same time, make a special report to the Speaker as to matters arising in the course of the trial an account of which in the judgment of the Court ought to be submitted to the National Assembly.

Costs of
petition.

33. (1) All costs of and incidental to the presentation of an election petition and the proceedings consequent thereon, except such as are by this section otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportion as the Court may determine; and in particular any costs which in the opinion of the Court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of the petitioner or respondent may be ordered to be defrayed by the parties by whom it has been incurred or caused whether or not they are on the whole successful.

(2) If a petitioner neglects or refuses for six months after demand to pay to any person summoned as a witness on his or her behalf or to the respondent any costs certified or adjudged to be due to him and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the Court, every person who in accordance with section 7 entered into a recognisance relating to the petition shall be held to have made default in the recognisance and such default shall be dealt with under section 208(1) and (2) of the Criminal Law (Procedure) Act as though committed at the

then current sitting of the Court in the exercise of its criminal jurisdiction in the county where the petition was tried, or, if the Court is not then so sitting, such default shall be deemed to have been dealt with under those subsections as though committed at the last preceding sitting of the Court as aforesaid, and the recognisance shall be enforceable accordingly.

Further provision as to costs of petition.

34. (1) Where upon the trial of an election petition it appears to the Court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to the election to which the petition relates, the Court may, after giving that person or those persons an opportunity of being heard by counsel or solicitor and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person or those persons or any of them and may order that if the costs cannot be recovered from one or more of those persons they shall be paid by some other of those persons or by either of the parties to the petition.

(2) Where any person appears to the Court to have been guilty of a corrupt or illegal practice, the Court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the Court in relation to the said offence or to the said person to be paid by the said person to such person or persons as the Court may direct.

Report of the Court to the Speaker.
[16 of 1968]

35. (1) Where, in an election petition a charge is made of a corrupt practice or an illegal practice having been committed at the election to which the petition relates, the Court shall, when certifying its determination as herein

before provided, report in writing to the Speaker, who shall submit such report to the National Assembly—

- (a) whether any corrupt practice or illegal practice has or has not been proved to have been committed by or with the consent or connivance of any candidate at the election, and the nature of the corrupt practice or illegal practice;
- (b) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice or illegal practice;
- (c) whether corrupt practices or illegal practices have, or whether there is reason to believe that corrupt practices or illegal practices have, extensively prevailed at the election to which the petition relates; and
- (d) if any person is reported to have been guilty of any corrupt practice or of any illegal practice, whether he or she has or has not been furnished with a certificate of indemnity.

(2) Before a person, not being a party to the petition, is reported by the Court to have been guilty, at the election, of any corrupt or illegal practice, the Court shall cause notice to be given to such person.

(3) If the person appears in pursuance of the notice, the Court shall give him an opportunity of being heard by himself or herself and of calling evidence in his or

her defence to show why he or she should not be so reported.

(4) Every person who is reported by the Court to have been personally guilty of any corrupt or illegal practice at the election shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacities as he or she would be subject to if he or she had at the date of such election been convicted of the offence of which he or she is reported to have been guilty.

(5) If the Court reports that any corrupt practice has been proved to have been committed by an election agent or assistant agent in reference to the election by or with the consent or connivance of a candidate at the election, the candidate shall be subject to the same incapacities as if at the date of the said report he or she had been convicted of such corrupt practice by virtue of section 26 of the Representation of the People Act.

c. 1:03

(6) If the Court reports that any illegal practice has been proved to have been committed by an election agent or assistant agent in reference to the election by or with the consent or connivance of a candidate at the election, the candidate shall be subject to the same incapacities as if at the date of the report he or she had been convicted of such illegal practice by virtue of section 26 of the Representation of the People Act.

c. 1:03

Exemption
from liability.
[16 of 1968]

36. (1) Where a person who is subject to incapacity by reason of his or her conviction of a corrupt or illegal practice is reported under section 34 to be guilty of such corrupt or illegal practice, no further incapacity shall be imposed on him under subsection (4) of that section.

(2) Where a person who is subject to incapacity under section 35(4) for any corrupt or illegal practice is convicted of such corrupt or illegal practice no further

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incapacity shall be deemed to be imposed on him by reason of the conviction.

c. 1:03

(3) Every reference to consequences under the Representation of the People Act in sections 110 and 112 thereof shall be construed to include a reference to consequences under this Act and nothing provided in this Act shall abridge any powers of the Court under those sections.

Removal of
incapacity if
acquitted on
prosecution.
[16 of 1968
O.50/1980]

37. (1) Where any person is subject to any incapacity by virtue of conviction of an offence or the report of the Court under section 34 and he or she or some other person in respect of whose act the incapacity was imposed, is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed, the acquittal shall, thereafter or, if an appeal be made, after the expiration of the ordinary period allowed for making an appeal or, if an appeal is made and the acquittal is affirmed, after the appeal is finally disposed of or, if an appeal is made and is abandoned or fails by reason of non-prosecution thereof, after the appeal is abandoned or so fails, be reported to the Court which may, if it thinks fit, order that the incapacity shall henceforth cease so far as it is imposed in respect of those matters.

(2) Where a person becomes subject to any incapacity by virtue of conviction of an offence or the report of the Court under section 34, and any witness who gave evidence against such incapacitated person upon the proceeding for such conviction or report is subsequently convicted of perjury in respect of that evidence, the incapacitated person may apply to the Court, and the Court, if satisfied that the conviction or report regarding such person was based upon perjury, may order that such incapacity shall henceforth cease, and the same shall cease accordingly; and if by reason of the conviction or report a

c. 1:03 vacancy has occurred in the National Assembly and such vacancy has been filled by another person in accordance with section 99A of the Representation of the People Act (as modified by the Constitution of the Co-operative Republic of Guyana (Adaptation and Modification of Laws) (Representation of the People) Order 1980) such other person shall cease to be a member of the Assembly and the person whose incapacity has ceased shall be reinstated as a member of the Assembly.

Observance of principles and rules of U.K. Parliament.

38. Subject to this Act and rules of court, the principles, practices and rules on which committees of the House of Commons of the Parliament of the United Kingdom used to act in dealing with election petitions shall be observed, so far as may be, by the Court in the case of election petitions.

Certain powers of the Court to be exercisable by a single judge.

39. Any of the powers of the Court conferred by or under any of the provisions of this Act may be exercised by a single judge.

Service of notices.

40. Any summons, notice or document required to be served on any person with reference to any proceeding under this Act for the purpose of causing him to appear before the Court or otherwise, or of giving him an opportunity of making a statement, or showing cause, or being heard by himself or herself before any Court for any purpose of this Act, may be served—

- (a) by delivering it to that person; or
- (b) by leaving it at, or sending it by post by a registered letter to, his or her last known place of abode; or
- (c) in such manner as may be –

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- (i) prescribed; or
- (ii) directed by any judge before whom the proceeding is taken.

Costs.
[16 of 1968]

41. Subject to the provisions of this Act and rules of court made for the purposes of any such provisions, the rules of court with respect to costs in actions, causes and matters in the Court shall, so far as practicable, apply in relation to costs of petitions and other proceedings under this Act.

Powers of
Court.
[16 of 1968
O. 50/1980]

42. The Court shall, subject to this Act and rules of court, have the same powers, jurisdiction and authority with respect to any proceedings brought under or by virtue of this Act as if the proceedings were an ordinary action within the jurisdiction of the Court, and without prejudice to the generality of the foregoing provisions of this section, may exercise the power of the Court to consolidate hearings in relation to the hearing of any such proceedings and any proceedings in respect of any election of members of a regional democratic council where the elections in respect of which all the proceedings have been brought were held on the same day.

Vacancy
disputes.
[O. 50/1980]

43. Any such question as is referred to in subparagraphs (iii) and (iv) of paragraph (b) or in paragraph (c) of article 163(1) of the Constitution may, in respect of a seat to which an election under article 60 (2) is applicable, be referred to the Court, and shall thereupon be determined by it in accordance with the provisions of sections 181 to 187 (inclusive) of the Local Authorities (Elections) Act, which shall apply for that purpose with such modifications, adaptations, qualifications and exceptions as may be necessary.

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SUBSIDIARY LEGISLATION

NATIONAL ASSEMBLY (VALIDITY OF
ELECTIONS) RULES

ARRANGEMENT OF RULES

RULE

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RULE

- 25. Notice of intention not to oppose petition.
- 26. Time within which to apply for admission as respondent.
- 27. Notice of application for substitution or admission as respondent.

APPENDIX - Forms.

R. 5/1968

**NATIONAL ASSEMBLY (VALIDITY OF
ELECTIONS) RULES**

made under section 163 of the Constitution

Citation .

1. These Rules may be cited as the National Assembly (Validity of Elections) Rules.

Interpretation.

2. In these Rules—

“Act” means the National Assembly (Validity of Elections) Act;

“the Court” means the High Court;

“Form” means Form in the Appendix;

“the Registrar” means the Registrar of the Supreme Court;

“registry” means registry of the Supreme Court;

“section” means a section of the Act.

Election to be questioned by Election

3. (1) Except by way of an election petition for redress in conformity with the Act, there shall be no reference to the

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Court of any question regarding the qualifications of any person to be elected as a member of the National Assembly, or whether the result of an election may have or has been affected by any unlawful act or omission, or whether the seats in the Assembly have been lawfully allocated, or whether any election the results whereof are declared by the Elections Commission in pursuance of section 99 of the Representation of the People Act has been lawfully conducted.

(2) An election petition shall be in Form 1 and shall contain the particulars required in the Form.

Presentation of petition.

4. When an election petition is presented under section 4(4), seven copies of the petition shall be left with the person to whom delivery is made in accordance with that paragraph.

Address for service.

5. (1) The solicitor of a petitioner who presents an election petition through a solicitor shall indorse upon the petition before the same is presented the address of his place of business and also a proper place to be called his address for service where all notices, summonses, orders and other documents may be left for him, which address shall be within one mile of the registry where the petition is presented.

(2) A petitioner presenting an election petition in person shall indorse upon the petition before presenting the same some proper place to be called his address for service where all notices, summonses, orders and other documents may be left for him, which address shall be within one mile of the registry where the petition is presented.

Failure to comply with rules 3, 4 and 5.

6. If rules 3, 4 and 5(1) or (2) are not complied with in relation to any election petition, delivery thereof under section 4(4) shall not be accepted.

File and record

7. (1) Without prejudice to any other rule of court, all

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of proceedings. petitions, notices, summonses, orders or other documents to be filed in or issued from the registry in proceedings under the Act shall be brought into the registry together with a copy thereof and the original and the copy shall be sealed with an official seal, whereupon the original shall be filed and the copy handed out to the party filing the same. A sealed copy shall be evidence of the contents of the original filed.

(2) The Registrar shall keep a record book of all proceedings brought under the Act. There shall be entered in the record book—

- (a) the number of the election petition and the subject matter;
- (b) the names of the parties and their addresses for service;
- (c) interlocutory applications, the nature, date of filing, determination and date thereof;
- (d) the date and place of trial;
- (e) the name of every counsel or solicitor engaged;
- (f) the decision of the Court.

(3) The file of proceedings and the record book shall be open to inspection by any person during office hours.

Persons to whom copy of petition must be sent and

8. (1) The Registrar shall upon presentation of an election petition forthwith—

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publication of
petition.

- (a) send a copy of the petition to the Speaker of the National Assembly, the Attorney-General, the Director of Public Prosecutions and the Chief Election Officer; and
- (b) exhibit on a notice board at the registry a copy of the petition and cause such notice of the presentation and substance thereof as shall be settled by the Chief Justice to be published in the *Gazette* and one newspaper.

(2) The cost of publication of this and any other matter required to be published by these Rules shall be paid by the petitioner or person moving in the matter and shall form part of the general costs of the petition.

Service.

9. (1) The time and manner of service of an election petition are, for the purposes of section 8, prescribed by virtue of the following provisions of this paragraph and paragraphs (2), (3) and (4). The time for service of a copy of an election petition and notice of the presentation of the petition and of the nature of the proposed security shall be five days, exclusive of the day of presentation.

(2) Where the respondent has given an address in pursuance of rule 10(1), such service may be by registered post to the address so that, in the ordinary course of post, the documents served would be delivered within the prescribed time.

(3) In cases to which paragraph (2) does not apply, such service must be personal on the respondent unless a judge on an application made to him not later than five days after the election petition is presented and on affidavit

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showing what has been done, shall be satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, including when practicable, service upon a solicitor, in which case the judge may order that what has been done shall be considered sufficient service for the purposes of this rule, subject to such conditions as he may think reasonable.

(4) Where it is proved to the satisfaction of a judge that there has been an evasion of service and that a notice of the nature of the proposed security has been posted on the board mentioned in rule 8(1)(b), and a copy of the election petition has been exhibited under that subparagraph, within the time prescribed by paragraph (1) of this rule, service shall, if the judge so orders, be deemed to have been duly effected for the purposes of this rule by such posting and exhibition.

(5) The petitioner or his agent shall, as soon as may be after service has been effected in accordance with any provisions of this rule, file in the registry an affidavit of the time and manner of such service.

(6) Service of a petition under section 4(6) shall, upon service of a copy of the petition in accordance with any of the foregoing provisions of this rule or any direction given by the court under section 8, be deemed to have been thereby affected.

Address for
service.

10. (1) Any person who was the representative of any list of candidates for election, as defined by section 4(3), or has been elected as a member of the National Assembly, may at any time after the election leave at the office of the Registrar—

- (a) an address for service at a place within one mile thereof; or

- (b) the name and address for service (which shall be at such a place) of a solicitor who will act for such person in case there should be an election petition against him.

(2) When an election petition or copy thereof is served upon a respondent other than the Chief Election Officer, he shall, unless he has already complied with paragraph (1), within five days of such service deliver or send by registered post to the Registrar and to the petitioner an address for service at a place referred to in sub-paragraph (a) or (b) of the preceding paragraph. All notices, summonses, orders or other documents in the proceedings consequent on the petition shall, if the respondent fails to comply with this paragraph, be deemed duly served upon him if left in the registry.

Recognizances for security for costs.
Form 2.

11.(1) The recognizances giving security for costs as provided in section 7 shall, with such variations as circumstances may require, for be in Form 2 and shall be acknowledged before the Registrar. There may be one recognizance acknowledged by all the sureties, or separate recognizances by one or more as may be convenient.

(2) The recognizance or recognizances shall forthwith after being acknowledged be left at the registry by or on behalf of the petitioner in like manner as a petition.

Security for cost by deposit.

12. (1) Every deposit of money by way of security pursuant to section 7 or section 9(2) shall be lodged in the registry.

(2) The Registrar shall keep open to inspection by all parties concerned a book in which shall be entered from time to time the amount of every such deposit and the

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petition to which it relates.

(3) All claims to the amount of any such deposit or part thereof shall be disposed of by a judge upon application by summons.

(4) The amount of such deposit or of any part thereof shall, if and when no longer required for securing the payment of costs, be returned or otherwise disposed of on the order of a judge as justice may require.

(5) Such order may be made after such notice of intention to apply, and after such proof that all just claims have been satisfied or otherwise sufficiently provided for, as the judge may require.

(6) The order may direct payment either to the party in whose name the deposit was made or to any person entitled to receive the same.

Objection to security.

13. An objection to a recognizance under section 9(1) shall be made by giving notice thereof to the petitioner within ten days after the service of the notice of the presentation of the petition; and the notice of objection shall state the grounds thereof.

Summons to determine objection to recognizance.

14.(1) Any such objection to security made in accordance with the preceding rule shall be heard and decided by a judge upon summons taken out by either party to declare the security sufficient or insufficient.

(2) Such hearing and decision may be either upon affidavit or personal examination of witnesses, or both, as the judge thinks fit.

Removing objections.

15. If by order made upon such summons an objection

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be allowed and the security be declared insufficient, the judge shall in such order state how and within what time (which shall not exceed five days after the date of the order) the objection may be removed as in section 9(2) provided.

Costs where no justification of sureties.

16. The costs of hearing and deciding an objection upon the ground of insufficiency of a surety or sureties shall be paid by the petitioner, and a clause to that effect shall be inserted in the judge's order declaring their sufficiency or insufficiency, unless at the time of leaving the recognizance under rule 11(2) there be also left an affidavit of the sufficiency of the surety or sureties sworn by each surety in Form 3.

Form 3

Notice of application for dismissal.

17. (1) An application for an order directing the dismissal of a petition under section 10 shall be made by way of summons before a judge and a copy thereof shall be served on the petitioner and written notice thereof given to the Registrar.

Form 4

(2) The Registrar shall forthwith publish in the *Gazette* and one newspaper a notice in Form 4.

Application for particulars.

18. (1) Evidence need not be stated in an election petition, but the Court or a judge may upon application order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial and upon such terms as to costs and otherwise as may be ordered.

(2) Before applying for particulars the party desiring the same shall by letter request the petitioner to furnish the required particulars within five days, and a summons for particulars shall not issue until the expiration of that time.

Procedure on applications

19. All applications in proceedings under the Act or these Rules shall be determined summarily by a judge, who

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made under the act or these rules. may hear the parties to the application.

Title of proceedings. Form 5. **20.** It shall be sufficient to entitle all proceedings in respect of an election petition as is prescribed in Form 5.

Mode of trial of petitions. **21.** The following provisions shall apply to the trial of election petitions –

- (a) The Chief Justice shall determine which of the judges shall try a petition and direct in which county the trial shall take place.
- (b) All interlocutory matters may be heard and disposed of by a judge in chambers.
- (c) The judge who is to try a petition shall fix the day and time of the trial and at least fourteen days notice thereof shall be published by the Registrar in the *Gazette* and one newspaper and served on the petitioner, the respondent and the Chief Election Officer.
- (d) The judge presiding at a trial may, if the Chief Justice shall so direct, adjourn the same to another county.
- (e) Where the trial of a petition has taken place wholly or partly in a county other than the county of Demerara the Court may, if it thinks fit, declare its determination on the petition at a

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sitting in Georgetown.

Adjournments.

22. (1) The Court may from time to time, by order upon the Adjournments, application of a party to an election petition or by notice in such form as the Court may direct, postpone the commencement of the trial to such a day as it may name. A copy of such notice or order shall be sent to the Chief Election Officer and another copy shall be exhibited on a notice board at the registry.

(2) In the event of the Judge not being present at the time appointed for the trial, or to which the trial is postponed, the trial shall ipso facto stand adjourned to the ensuing day and so from day to day.

(3) No formal adjournment of the Court at the trial of an election petition shall be necessary, but in the absence thereof the trial is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded.

(4) In the event of the judge who begins the trial being disabled by illness or otherwise, the trial shall be recommenced and concluded by such judge as the Chief Justice may determine

Application to withdraw petition.

Form 6

23. (1) Notice of application for leave to withdraw an election petition shall be in writing and signed by the petitioner or his solicitor and shall be sufficient if given in Form 6 and left at the registry and a copy of such notice shall be served on the respondent and sent to the Chief Election Officer.

Form 7.

(2) The Registrar shall forthwith publish in the *Gazette* and one newspaper a notice in Form 7.

(3) Any person who might have been a petitioner in respect of the matter to which the election petition relates,

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may, within five days after such notice is published, give notice in writing signed by him or on his behalf to the Registrar of his intention to apply under section 24(1) to be substituted for the petitioner but the want of such notice shall not defeat such application if in fact made under that subsection.

(4) The time of hearing the application for leave to withdraw the petition shall not be less than five days after the publication of the notice by the Registrar as in paragraph (2) provided and notice of the time and place appointed for the hearing shall be given by the Registrar to any person who shall have given him notice of an intention to apply to be substituted as petitioner, and otherwise as the Court may direct.

Abatement of
petition on
death of
petitioner.
Form 8.

24. (1) On the abatement of an election petition by the death of a petitioner, notice of such abatement shall be given by any party or person interested to the Registrar who shall forthwith publish in the *Gazette* and one newspaper a notice thereof in Form 8.

(2) The time within which application may be made to a judge to be substituted as a petitioner under section 26(3) shall be one month or such further time as upon consideration of any special circumstances a judge may allow.

Notice of
intention not to
oppose
petition.

25. (1) The manner and time of the respondent's giving notice to Court that he does not intend to oppose an election petition shall be by leaving at the registry notice thereof in writing signed by the respondent, six days before the day appointed for trial, exclusive of the day of leaving such notice.

(2) Upon such notice being left at the registry or upon receiving notice of the death of the respondent, the

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Registrar shall forthwith send by registered post to the petitioner or his solicitor, as the case may be, and to the Chief Election Officer, and shall forthwith cause to be published in the Gazette and one newspaper, a notice thereof in Form 9.

26. The time for applying to be admitted as a respondent under section 27(l)(a) shall be within ten days after such notice is given as hereinbefore directed, or such further time as a judge may allow.

27. The persons making any application under section 27(l) (b) shall leave at the registry notice thereof signed by them or on their behalf, stating the grounds of such application and praying that a day be fixed for the hearing thereof; and the Registrar shall send by registered post a copy of such notice to every party to the petition and to the Chief Election Officer, together with notice of the time and place appointed for hearing the application.

APPENDIX

r. 3(2)

FORM I

PETITION QUESTIONING AN ELECTION TO THE NATIONAL ASSEMBLY UNDER THE NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT (Cap. 1:04)

Election holden on the..... day of.....20.....

* The petition of A of.....whose name is subscribed.

1. Your petitioner A is a person who was an elector (or candidate) at the above election.

2. And your petitioner states that the Elections Commission has on the day of 20..... caused to

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be published a notification of the results of the above election.

3. And your petitioner says that (here state facts and grounds on which the petitioner relies).

Wherefore your petitioner prays that the Court may—

(1) determine that

...

(2) grant such redress in conformity with the National Assembly (Validity of Elections) Act as may be used.

(Sgd.)

(Petitioner)

**The address for service of the petitioner is

**The solicitor for the petitioner is

whose address for service is.....

*If there is more than one petitioner, the petition should be the petition of all their names entered as for A.

** Omit whichever is inapplicable.

r.11(1)

FORM 2

RECOGNIZANCES AS SECURITY FOR COSTS

Be it remembered that on the..... day ofin the year of Our Lord 20.....before me (name and description) came A.B. of (name and description) and acknowledged himself (or severally acknowledged

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themselves) to owe to the State the sum of one thousand dollars (or the following sums) (that is to say) the said C.D., the sum of \$, the said E.F., the sum of \$..... the said G.H., the sum of \$..... and the said J.K., the sum of \$ to be levied on his (or their respective) goods and chattels, lands and tenement, to the use of the State.

The condition of this recognizance is that if (here insert the names of all the petitioners, and if more than one, add, or any of them) shall well and truly pay all costs, charges and expenses in respect of the election petition signed by him (or them), in relation to which shall become payable by the said petitioner (or petitioners, or any of them) under the National Assembly (Validity of Elections) Act (Cap. 1:04), to any person or persons, then this recognizance to be void, otherwise to stand in full force.

(Sgd.)

(Signature of

Sureties)

Taken and acknowledged by the above-named (names of sureties)

on the.....day of.....at.....before me.

Registrar

AFFIDAVIT FOR JUSTIFICATION OF SURETIES
IN THE HIGH COURT OF THE SUPREME COURT OF
JUDICATURE
NATIONAL ASSEMBLY (VALIDITY OF
ELECTIONS) ACT
(Cap. 1:04)

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I, A.B. of (name and description), make oath and say that I am worth more than the sum of \$.....after the payment of all my debts.

Sworn,
etc.

r.17

FORM 4

NOTICE OF APPLICATION FOR DISMISSAL OF AN ELECTION PETITION IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT

(Cap. 1:04)

Notice is hereby given that the above respondent intends to apply for an order directing that the petition be dismissed on the round that (here state ground for application).

And that the said application be heard at _____ on the _____ day of _____, 20 .

And Take Notice that on the hearing of the application any person who might have been a petitioner in respect of the matter to which the petition relates may apply to the judge to be substituted as a petitioner for the above petitioner under section 11 of the said Act.

(Signed)

Registrar

LAWS OF GUYANA

National Assembly (Validity of Elections)

Cap. 1:04

47

[Subsidiary]

National Assembly (Validity of Elections) Rules

r. 20

FORM 5

TITLE FOR PROCEDURE IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT (Cap. 1:04)

Election holden on the.....day of.....20.....

Between..... Petitioner (name and address) and Respondent (name and address).

r. 23(1)

FORM 6

APPLICATION FOR LEAVE TO WITHDRAW IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT

(Cap. 1:04)

The Petitioner proposes to apply to withdraw his petition upon the following grounds (here state the ground) and prays that a day may be appointed for hearing his application.

Dated this day of

(Signed)

LAWS OF GUYANA

48 **Cap. 1:04** *National Assembly (Validity of Elections)*

[Subsidiary] *National Assembly (Validity of Elections) Rules*

r. 23(2)

FORM 7

NOTICE IN PUBLICATION OF FORM 6 IN THE
HIGH COURT OF THE SUPREME COURT OF JUDICATURE
NATIONAL ASSEMBLY (VALIDITY OF
ELECTIONS) ACT
(Cap. 1:04)

Notice is hereby given that the petition of the above petitioner has on the day of lodged at the registry notice of an application to withdraw the petition, of which notice the following is a copy – (set it out).

And take notice that by a rule of court made pursuant to the above Act any person who might have been a petitioner in respect of the said election may, within five days after the publication of this notice, give writing of his intention on the hearing to apply for leave to be substituted as a petitioner.

(Signed)

Registrar

r. 24 (1)

FORM 8

NOTICE OF ABATEMENT OF ELECTION PETITION
IN THE HIGH COURT OF THE SUPREME COURT OF
JUDICATURE
NATIONAL ASSEMBLY (VALIDITY OF
ELECTIONS) ACT (Cap. 1:04)

Notice is hereby given that the petition of the above Petitioner has abated by reason of the death of (here set out

LAWS OF GUYANA

National Assembly (Validity of Elections)

Cap. 1:04

49

[Subsidiary]

National Assembly (Validity of Elections) Rules

particulars).

And Take Notice that any person who might have been a petitioner in respect of the above election may, within one calendar month after the publication of this notice or within such further time as upon consideration of any special circumstances a judge may allow, apply to the Court to be substituted as a petitioner under section 26(3) of the said Act.

(Signed)

Registrar

r. 25

FORM 9

NOTICE OF WITHDRAWAL OR DEATH OF RESPONDENT
IN THE HIGH COURT OF THE SUPREME COURT OF
JUDICATURE
NATIONAL ASSEMBLY (VALIDITY OF ELECTIONS) ACT
(Cap. 1:04)

Notice is hereby given that on the day of 20
the said respondent A.B. died (or gave notice of his intention
not to oppose the petition, as the case may be).

And Take Notice that any person who might have been a petitioner in respect of the above election may, within ten days after publication of this notice or such further time as a judge may allow, apply to the Court to be admitted as a respondent under section 27(1)(a).

(Signed)

Registrar

