

# **THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT 1969**

**Act No. 49 of 1969**

I assent,

19th December, 1969.

A. L. WILLIAMS,  
Governor-General.

## **ARRANGEMENT OF SECTIONS**

### **Section**

1. Short title.
2. Section 9 of the Ordinance amended.
3. New section 9A added to the Ordinance.
4. New sections 40 and 41 added to the Ordinance.
5. Section 45 of the Ordinance amended.
6. New section 48A added to the Ordinance.
7. Regulation 5 of the Legislative Assembly Elections Regulations, 1968, amended.
8. Regulations 16 of the principal regulations amended.
9. New regulation added to principal regulations.

## **An Act further to amend the Representation of the People Ordinance, 1958**

[20<sup>th</sup> December, 1969]

ENACTED by the Parliament of Mauritius, as follows-

### **1. Short title.**

This Act may be cited as the Representation of the People (Amendment) Act, 1969, and shall be read as one with the Representation of the People Ordinance, 1958, as subsequently amended, hereinafter referred to as the Ordinance.

## **2. Section 9 of the Ordinance amended.**

Section 9 of the Ordinance shall have effect as if, for paragraph (b) of subsection (1), there were substituted the following paragraph-

- (b) shall thereafter prepare or cause to be prepared a list (in this Ordinance referred to as "electors' list ") of all persons who appear to him, from the information obtained in the enquiry under paragraph (a) of this subsection or from any other information in his possession, to be qualified to be registered as electors in his constituency and shall publish such list as soon as possible and in any event not later than the 1<sup>st</sup> April in any year.

## **3. New section 9A added to the Ordinance.**

The following section shall be inserted in the Ordinance immediately after section 9-

### **Form of Electors' List.**

- 9A.(1) The electors' list shall be published in the form in which the register is to be framed and shall consist of as many parts as there are registration areas in the constituency, each such part including two Sections-
  - (a) Section A - which shall consist of a copy of the part of the register in force relating to the registration area, with the deletion of the names of all persons who appear to the registration officer to be no longer qualified to be registered as electors in such registration area shown thereon

- (b) Section B - which shall include the names of every person who has subscribed a declaration in the form H under the last preceding section, unless it appears to the registration officer that such person is not qualified to be registered as an elector in the registration area to which the part of the electors' list relates:

Provided that each part of the electors' list may, if the Electoral Supervisory Commission deems it necessary, consist of only one Section which shall include the names of all persons who appear to the registration officer to be qualified to be registered in the registration area to which that part of the electors' list relates.

- (2) Section A of the electors' list shall be published at the office of the registration officer and at such other places, appointed from time to time by the Electoral Supervisory Commission, as may be published in the Gazette and in at least three daily newspapers.

**\*4. New sections 40 and 41 added to the Ordinance.**

The following sections shall be inserted in the Ordinance immediately after section 39 under the heading "Part V – Elections”-

**Governor-General and Electoral Supervisory Commission to be informed of occurrence of vacancy.**

40. If the seat of a member of the Legislative Assembly becomes vacant otherwise than by reason of a dissolution of Parliament in pursuance of the provisions of section 57 of the Constitution, the Speaker of the Legislative assembly or, if the office of Speaker is vacant or he is for any reason unable to perform the functions of his office, the Deputy Speaker shall, as soon as is practicable after the occurrence of the vacancy and in any event within fifteen days thereof, so inform, in the case of a vacancy relating to the seat of a member representing a constituency, the Governor-General or, in the case of a vacancy relating to the seat of a member to whom a seat was

allocated in pursuance of the provisions of paragraph (5) of Schedule 1 to the Constitution, the Electoral Supervisory Commission.

**41. Writ of Election. Day of Election and Polling Day.**

- (1) The Governor-General, acting in accordance with the advice of the Prime Minister, shall-
  - (a) at any time within eighty five days of the occurrence of a vacancy relating to the seat in the Legislative Assembly of a member who represents a constituency or within fifty five days of a dissolution of Parliament in pursuance of the provisions of section 57 of the Constitution, require the Electoral Supervisory Commission to issue a writ or writs of election for the purpose of filling the vacancy or electing a new Parliament, as the case may be; and\*
  - (b) by order appoint the day of election and the day on which, if it becomes necessary to adjourn the election for the taking of a poll, the poll is to be taken.
- (2) The day of election appointed under subsection (1) (b) of this section shall be not less than five days nor more than twenty days after the day on which the writ is issued and the day on which a poll is to be taken shall be not less than fifteen day's nor more than sixty days after the day on which the nomination of candidates for the election is received.
- (3) Where on the day of election or at any time thereafter until the day on which the poll is to be taken, being days appointed under subsection (1) (b) of this section, no candidate has been nominated or the number of candidates remaining nominated is less than, or is reduced to a number less than, the number of seats to be filled an election shall be held for the purpose of filling any seat that is unfilled-
  - (a) on such day of election; or
  - (b) on such day on which, if it becomes necessary to adjourn the election for the taking of a poll, the poll is to be taken,

as may be determined by the person appointed to conduct the election.

**5. Section 45 of the Ordinance amended.**

Section 45 of the Ordinance shall have effect as if, in paragraph (e) of subsection (2), for the word "two" occurring between the words "exceeding" and "thousand" there were substituted the word "ten".

**6. New section 48A added to the Ordinance.**

The following section shall be inserted in the Ordinance immediately after section 48-

**Appeals.**

48A.- An Appeal shall lie to Her Majesty in Council Ordinance as of right from a decision of the Court, under section 45 of this Ordinance, in an election petition complaining of an undue return or undue election of a member to serve in the Legislative Assembly.

**7. Regulation 5 of the Legislative Assembly Elections Regulations, 1968, amended.**

Regulation 5 of the Legislative Assembly Elections Regulation, 1968, as set out in the Second Schedule to the Ordinance and hereinafter referred to as the principal regulations, shall have effect as if, in paragraph (2), the following words and brackets were deleted "(which shall not be less than fourteen days nor more than twenty-eight days after the day on which the writ is issued)".

**8. Regulation 16 of the principal regulations amended.**

Regulation 16 of the principal regulations shall have effect as if, in paragraph (1), for the words and punctuation "a day to be appointed by the Commission being not less than fifteen and not more than sixty days after nomination day, "there were substituted the

following words and punctuation "the day, appointed under section 41 of the Ordinance by the Governor-General for the taking of a poll,".

#### **9. New Regulation added to principal regulations.**

The following Regulation shall be added immediately after regulation 65 of the principal regulations-

66. The provisions of Regulations 62 to 65 shall, mutatis mutandis, apply in respect of the allocation of a seat to fill any vacancy which is notified to the Commission in pursuance of section 40 of the Ordinance.

---

\*-\*: R&R Act 5/23/76