

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 42 of 1975

TO AMEND the Representative Assembly (Elections) Regulation No. 30 of 1975 as amended.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914 and of the Exchange of Notes between the Governments of the United Kingdom and the French Republic made at Paris on the 29th day of August 1975 establishing the Representative Assembly of the New Hebrides.

Proviso added to s.3(1) of J.R. No. 30 of 1975

1. Subsection (1) of section 3 of the Representative Assembly (Elections) Regulation No. 30 of 1975 as amended (hereinafter referred to as "the principal Regulation") is hereby amended by substituting a colon for the full-stop at the end thereof and by adding thereafter the following proviso -

Section amended by 25/76

"Provided ~~that~~ different dates may be prescribed for the closure of the electoral rolls respecting the inclusion or omission of names of electors and the transfer of names of electors from one electoral roll to another pursuant to the provisions of subsection (2) of section 7 of the Regulation. " .

New proviso added to s.12 of principal Regulation

2. Section 12 of the principal Regulation is hereby amended by substituting a colon for the full-stop at the end thereof and by adding thereafter the following proviso -

"Provided that any person who produces to the presiding officer an electoral card which appears to have been validly issued to him as aforesaid but whose name is not on the roll of electors shall, if the presiding officer, assisted by not fewer than two leading inhabitants of the district summoned to the polling station for such purpose, is satisfied as to the identity of such person and his qualification to vote, be permitted to vote. The presiding officer shall record the name and other information shown on the electoral card of such person together with the particulars of his qualification to vote on a list to be attached to the report of the returning officer under section 36. " .

Amendment
of s.18 of
principal
Regulation

3. Section 18 of the principal Regulation is hereby amended by deleting the word "normally".

Amendment
of English
text of
s.32 (3)

4. The English text of paragraph (b) of subsection (3) of section 32 of the principal Regulation is hereby amended by deleting the words " two candidates " and replacing them by the word " candidate ".

Amendment
of s.32 of
principal
Regulation

5. Section 32 of the principal Regulation is hereby amended by adding at the end thereof the following four new subsections -

"(4) Notwithstanding the provisions of subsections (2) and (3) or any other provision of this Regulation, when polling in any urban constituency takes place on a day other than the last day of polling in the territory in any elections, the votes shall not be counted at the polling station at the close of polling. The ballot box at each polling station shall instead of being opened be kept closed, the slit for envelopes shall be closed and, where possible, padlocked and the slit and the lid of the ballot box shall be sealed in such a manner that they cannot be opened without breaking the seals. Every ballot box sealed as aforesaid shall be immediately conveyed by the returning officer in a safe manner, together with both copies of his report under section 36 as far as he has been able to complete it, to either one of two banks carrying on business in such urban area appointed jointly for the purpose by the Resident Commissioners. The padlock keys of every such ballot box shall be delivered to the other of the two said banks, for retention in safe custody.

(5) All ballot boxes, reports and keys conveyed to a bank in accordance with the provisions of subsection 4, shall be retained in safe custody by such bank until after the close of all polling in the territory and no person shall be allowed access thereto until the joint directions of the Resident Commissioners to that effect are received by the manager of such bank.

(6) After the close of all polling in the territory, on a date and at a time and place to be appointed jointly by the Resident Commissioners, the Electoral Committee for the urban area concerned shall recover the ballot boxes, reports and keys held by the

banks in accordance with the provisions of subsections (4) and (5) and shall count the votes in the manner provided by subsection (1), paragraphs (a) and (b) of subsection (3) and section 33, modified as the case may require; it shall then complete the reports of the returning officer for each polling station under section 36 and countersign them. The Electoral Committee shall thereupon determine the overall results of polling in the constituency in accordance with the provisions of subsection (3) of section 34.

(7) At the close of counting the votes in accordance with the foregoing provisions of this section and upon the completion of the official report on the polling under the provisions of section 36, the votes validly cast shall in the view of all persons lawfully present be destroyed in the manner directed by the presiding officer or Co-Chairmen of the Electoral Committee, as the case may be."

Amendment of s.34 (2) 6. Subsection (2) of section 34 of the principal Regulation is hereby amended by adding at the end thereof the following sentence -

" The second copy of the report shall be similarly enclosed in a sealed envelope or package and conveyed by safe means by a polling clerk selected by the presiding officer to the Co-Chairmen of the Electoral Committee as soon as may be practicable. " .

Amendment of s.36(1) of principal Regulation 7. Subsection (1) of section 36 of the principal Regulation is hereby amended by inserting immediately after the words " shall be made " the words " in duplicate " .

Amendment of s.36 (2) of principal Regulation 8. Subsection (2) of section 36 of the principal Regulation is hereby amended by adding at the end thereof the following sentence -

" Each copy of the reports shall be signed and countersigned as aforesaid and any documents or papers required by any provision of this Regulation to be attached to the report shall be attached to the original copy of the report in the custody of the returning officer under the provisions of subsection (2) of section 34. " .

Amendment
of s.46 of
principal
Regulation

9. Section 46 of the principal Regulation is hereby amended by deleting the word "fourteen" and replacing it by the word "seven".

Repeal and
replacement
of s.49(1)
of
principal
Regulation

10. Subsection (1) of section 49 of the principal Regulation is hereby repealed and replaced by the following subsection -

" (1) For the purpose of holding an election by secret ballot in accordance with the provisions of subsection (5) of the last preceding section, the returning officers shall provide a ballot box, a polling booth, ballot papers of a different colour for each candidate together with indelible pencils or ballpoint pens as may be necessary. Each candidate shall choose a coloured ballot paper and distinctive symbol. The returning officers shall write the name and symbol of each candidate on the appropriate coloured ballot paper."

Repeal and
replacement
of s.50 of
principal
Regulation

11. Section 50 of the principal Regulation is hereby repealed and replaced by the following section -

"Voting 50. Each elector of the section on receiving a ballot paper for each candidate and one envelope shall proceed to the polling booth and there place the ballot paper of his choice inside the envelope. He shall then put the envelope into the ballot box in the presence of the other electors of the section. The elector shall not place any mark or writing on the ballot paper. "

Amendment
of s.68 of
principal
Regulation

12. Section 68 of the principal Regulation is hereby amended by repealing subsections (3), (4), (5), (6) and (7).

Amendment
of s.81 of
principal
Regulation

13. Section 81 of the principal Regulation is hereby amended by deleting the word "month" and replacing it by the word "week".

14. This Regulation may be cited as the Representative Assembly (Elections) (Amendment) (No. 2) Regulation No. 42 of 1975 and shall upon its publication in the Condominium Gazette be deemed to have come into operation on the date of commencement of the principal Regulation.

MADE at Vila this sixth day of November, 1975.

The Resident Commissioner
for the French Republic

Her Britannic Majesty's
Resident Commissioner

R. GAUGER

J.S. CHAMPION