
 STATUTORY INSTRUMENTS

1968 No. 2030

**CARIBBEAN AND NORTH ATLANTIC
TERRITORIES**
The Cayman Islands (George Town Election) Order 1968

Made - - - - 20th December 1968
Laid before Parliament 20th December 1968
Coming into Operation On publication in
 accordance with
 section 1(1)

At the Court at Buckingham Palace, the 20th day of December 1968

Present,

The Queen's Most Excellent Majesty in Council

Whereas writs were issued on 2nd July 1968 in pursuance of the Elections Law^(a) of the Cayman Islands for the purpose of a general election of members of the Legislative Assembly specifying that, if necessary, the poll should be taken in the respective electoral districts established by that Law on 7th November 1968 between the hours of seven o'clock in the forenoon and six o'clock in the afternoon:

And whereas the proceedings at the poll at the polling station for the second electoral district (hereinafter referred to as "the district of George Town") were stopped at approximately four o'clock in the afternoon on that day in order to preserve peace and order:

Now, therefore, Her Majesty, by virtue of the powers conferred upon Her by section 5 of the West Indies Act 1962^(b) and the powers reserved to Her by section 57 of the Constitution of the Cayman Islands contained in the Schedule to the Cayman Islands (Constitution) Order 1965^(c), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Cayman Islands (George Town Election) Order 1968 and shall be published in the Cayman Islands by Government Notice and come into operation on the day on which it is so published. Citation, commencement and construction.

(2) This Order shall be construed as one with the Elections Law of the Cayman Islands as in force immediately before the coming into operation of this Order, and accordingly the Interpretation Law^(d) of the Cayman Islands as so in force shall apply for the purpose of interpreting and otherwise in relation to this Order as it applies for the purpose of interpreting and in relation to the Elections Law.

(a) Laws of the Cayman Islands, Rev. Edn., c. 45. (b) 1962 c. 19.
 (c) S.I. 1965/1860 (1965 III, p. 5588).
 (d) Laws of the Cayman Islands, Rev. Edn. c. 70.

Poll on 7th
November
1968 to be of
no effect.

2.—(1) The proceedings at the poll for the district of George Town on 7th November 1968 shall be of no effect:

Provided that—

- (a) the used ballot papers (including ballot papers returned by post by absent voters and the envelopes and declarations of identity relating thereto), the counterfoils of such ballot papers and the poll book used in connection therewith shall be dealt with in accordance with section 48 of the Elections Law as if they were election documents relating to an election held on that day; and
- (b) nothing in this subsection shall be construed as affecting the application of Part V of the Elections Law in relation to the proceedings at the aforementioned poll.

(2) No proceedings shall lie against the Administrator, any election officer or any other public officer in respect of any act done or omitted to be done by him for the purposes of, or in consequence of, the stopping of the proceedings at the poll for the district of George Town on 7th November 1968.

New poll to
be held.

3.—(1) Subject to the following provisions of this Order, a poll for the purpose of electing the members of the Legislative Assembly for the district of George Town from among the persons duly nominated as candidates in pursuance of the writ issued to the returning officer of that district on 2nd July 1968 shall be held in that district in accordance with the provisions of the Elections Law on such day and between such hours as the Administrator may by Government Notice appoint and the said writ shall accordingly have effect as if it had specified that day and those hours for the taking of a poll:

Provided that the day appointed under this subsection shall not be earlier than fourteen days after the day or, as the case may be, the last of the days appointed by the Administrator under section 4(3) of this Order.

(2) Where proceedings at the poll held in pursuance of subsection (1) of this section are interrupted or obstructed by riot or open violence or by the occurrence of any earthquake, hurricane, flood, fire, epidemic disease or other calamity, whether similar to the foregoing or not, the Administrator may adjourn the proceedings until such day as the Administrator shall then or subsequently appoint.

(3) Where the proceedings at the poll are adjourned—

- (a) the hours of polling on the day to which they are adjourned shall be the same as for the original day; and
- (b) the provisions of subsection (2) of this section shall apply in relation to the proceedings on the day to which the proceedings are adjourned as they apply in relation to the proceedings on the original day.

Amendment
of Register
of Voters.

4.—(1) Any person whose name does not appear in the Register of Voters in force under the Elections Law for the district of George Town (in this section referred to as "the Register") and who claims that he was entitled on 29th April 1968 to have his name included on the preliminary list for that Register which was prepared with effect from that day may within five days after the day on which this Order comes into operation give notice in writing to the registering officer of

that district stating his name, address and occupation and his place of residence on 29th April 1968 if different from that stated as his present address and claiming that he was so entitled and that his name should be included in the Register.

(2) The registering officer of the district of George Town shall, within three days after the expiration of the period of five days mentioned in subsection (1) of this section, publish in such manner as he thinks fit a list containing the names and addresses of the persons who have made claims under that subsection.

(3) The said claims shall be considered by the Magistrate at the Court House, George Town, on such day or days and commencing at such time thereon as the Administrator may by Government Notice appoint, and the registering officer shall accordingly produce to the Magistrate a copy of the list published under subsection (2) of this section and the claims received by him under subsection (1) of this section.

(4) If on considering any claim under this section the Magistrate is satisfied that the claimant was entitled as mentioned in subsection (1) of this section and, on the date of consideration of the claim, is not disqualified for registration under section 27 of the Constitution of the Cayman Islands he shall insert the claimant's name, together with his address and occupation, in the Register in the appropriate place according to the alphabetical order of surnames, and he shall not make any such insertion unless he is so satisfied.

(5) The decision of the Magistrate on any claim under this section shall be final and no appeal shall be allowed therefrom.

(6) On inserting any name in the Register under this section the Magistrate shall write his initials against that name, and he shall sign his name to every page of the Register when the same is finally settled.

(7) The Magistrate shall have power to adjourn the consideration of any claim under this section, and he shall have the same powers of keeping order within the Court House when sitting for the purposes of this section as the Judge of the Grand Court has when sitting as such.

(8) On completion of the revision of the Register in accordance with the provisions of this section the Magistrate shall cause the revised Register to be printed and bound and shall certify the printed and bound Register and date his certificate and shall transmit the revised Register to the Supervisor of Elections, and the revised Register shall be the Register of Voters for the purposes of the poll provided for by section 3 of this Order and shall remain in force as the Register of Voters for the district of George Town until the next such Register is compiled and comes into force.

5.—(1) For the purposes of sub-paragraphs (iv), (v) and (vi) of paragraph (a) of section 39(1) of the Elections Law the poll to be held in pursuance of this Order shall not be regarded as a poll at a general election, and accordingly a person who was entitled to be treated as an absent voter for the purposes of the poll commenced on 7th November 1968 by reason of an application based on a ground mentioned in any of those sub-paragraphs shall not by reason only of that application be so treated for the purposes of the poll to be held in pursuance of this Order.

Absent
voters.

(2) A person who gives notice under section 4(1) of this Order of his claim to be included in the Register may also apply in accordance

with the provisions of the Elections Law to be treated as an absent voter notwithstanding that at the time he so applies his name is not included in the Register, but the registering officer shall not allow any such application unless the Magistrate inserts the name of the applicant in the Register under section 4 of this Order.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

In the course of the general election of members of the Legislative Assembly of the Cayman Islands held on 7th November 1968 polling in the electoral district of George Town was stopped prematurely in order to preserve peace and order. This Order provides for a new poll to be held in that district and for persons who are not on the Register of Voters for that district but who claim that they were entitled to be included when the Register was being prepared to have an opportunity to claim inclusion on the Register before the new poll is held.