

SCHEDULE

THE CONSTITUTION OF ST HELENA, ASCENSION AND TRISTAN DA CUNHA

CHAPTER 1

ST HELENA

PART 5

THE LEGISLATURE

Composition

Qualifications of candidates for election to Legislative Council

49.—(1) Subject to subsections (2) and (3), the qualifications for being a candidate at an election of Members of the Legislative Council shall be as prescribed by Ordinance.

(2) A person shall not be qualified to be a candidate for election to the Legislative Council if that person—

- (a) is, by virtue of his or her own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any country;
- (c) is mentally ill within the meaning of any law;
- (d) is under a sentence of imprisonment for twelve months or more, other than a sentence in lieu of a fine, but including a suspended sentence, imposed by a court of law in any country or substituted by a competent authority for some other sentence imposed by such a court;
- (e) is disqualified for membership of the Council under any law relating to offences connected with elections;
- (f) subject to subsection (3), holds, or is acting in, any office in the St Helena Public Service;
- (g) holds office as a judge or judicial officer; or
- (h) holds, or is acting in, any office or is exercising any function involving any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.

(3) The Governor, acting in his or her discretion, may by notice published in the *Gazette*, make provision for enabling any officer of the St Helena Public Service or any class of such officer not otherwise disqualified under subsection (2) to be qualified to be a candidate for election to the Legislative Council.

(4) For the purposes of subsection (2)(d), two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.