

The Gazette

TURKS & CAICOS ISLANDS

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DECEMBER 24, 2020

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G.N. 931

**IN THE SUPREME COURT
TURKS AND CAICOS ISLANDS
IN PROBATE AND ADMINISTRATION**

G/PA/24/2020

Whereas **MAURICE AUBREY HANCHELL** deceased, late of Grand Turk Turks and Caicos Islands, who died on or about the **9th day of April, 2020 without leaving a Will** and that **CAROL ELIZABETH HANCHELL** the lawful **wife** of the deceased who is the Petitioner hath petitioned the said Court for a Grant for Letters of Administration to be issued to her upon the Estate of the said Deceased.

These are therefore to cite and admonish all whom it may concern that they appear before the Registrar of the said Court on or before the **22nd day of January, 2021** to show caused why such Letters of Administration should not be granted.

Witness by my hand and sealed in the Supreme Court this **11th day of December, 2020**.

**CBSKIPPINGS
Deputy Registrar
Supreme Court**

G.N. 932

**REGISTRATION OF TRADE MARKS
ORDINANCE 2007 PENDING APPLICATIONS**

Take Notice that any person wishing to oppose the Registration of any trade mark appearing in the list published as a Supplement to this Gazette may within one month from the date of this Gazette lodge with the Registrar of Trade Marks Office, Grand Turk a Notice of Opposition on Form T M 5 as prescribed by the Trade Marks Rules 1982.

Such Notice should comply with Rule 42 of the said Rules and should be accompanied by the prescribed fee of \$150.00.

REGISTRAR OF COMPANIES

G.N. 933**PRACTICE DIRECTION NO 6 OF 2020****TO PROVIDE FOR THE TRANSITIONING FROM REMOTE TO IN-PERSON COURT BUSINESS**

This notice is published as a Supplement to this Gazette.

ISSUED THIS 23rd DAY OF DECEMBER, 2020 BY:

MABEL M. AGYEMANG

CHIEF JUSTICE

G.N. 934

NOTICE**GAMING CONTROL (AMENDMENT) ORDINANCE 2020
(ORDINANCE 38 OF 2020)**

NOTICE is given that His Excellency the Governor assented to Gaming Control (Amendment) Ordinance 2020 on 22nd December 2020. The Ordinance is published as a supplement to this Gazette.

Tracey Parker
Clerk to the House of Assembly
23rd December 2020

G.N. 935

NOTICE**ENCOURAGEMENT OF DEVELOPMENT (AMENDMENT) ORDINANCE 2020
(ORDINANCE 36 OF 2020)**

NOTICE is given that His Excellency the Governor assented to Encouragement of Development (Amendment) Ordinance 2020 on 22nd December 2020. The Ordinance is published as a supplement to this Gazette.

Tracey Parker
Clerk to the House of Assembly
23rd December 2020

G.N. 936**NOTICE****DEFENCE ORDINANCE 2020
(ORDINANCE 31 OF 2020)**

NOTICE is given that His Excellency the Governor assented to Defence Ordinance 2020 on 24th December 2020. The Ordinance is published as a supplement to this Gazette.

Tracey Parker
Clerk to the House of Assembly
24th December 2020

G.N. 937

NOTICE**ADOPTION (AMENDMENT) ORDINANCE 2020
(ORDINANCE 37 OF 2020)**

NOTICE is given that His Excellency the Governor assented to Adoption (Amendment) Ordinance 2020 on 22nd December 2020. The Ordinance is published as a supplement to this Gazette.

Tracey Parker
Clerk to the House of Assembly
23rd December 2020

G.N. 938

**APPOINTMENT OF CHAIRMAN OF THE
NATIONAL HEALTH INSURANCE APPEAL TRIBUNAL – PROVIDENCIALES,
NORTH CAICOS AND MIDDLE CAICOS**

I, **NIGEL DAKIN**, Governor of the Turks and Caicos Islands, in exercise of the powers conferred on me by regulation 5(2) and 5(3)(a) of the National Health Insurance (Appeals) Regulations, and acting in accordance with the advice of the Cabinet, appoint **KWAME SMITH** as Chairman of the National Health Insurance Appeal Tribunal for Providenciales, North Caicos and Middle Caicos for a period of two years beginning 1 January 2021.

DATED this 24th day of December 2020.

NIGEL DAKIN
GOVERNOR

G.N. 939

APPOINTMENT OF CHAIRMAN OF THE

**NATIONAL HEALTH INSURANCE APPEAL TRIBUNAL – SALT CAY, GRAND
TURK AND SOUTH CAICOS**

I, **NIGEL DAKIN**, Governor of the Turks and Caicos Islands, in exercise of the powers conferred on me by regulation 5(2) and 5(3)(a) of the National Health Insurance (Appeals) Regulations, and acting in accordance with the advice of the Cabinet, appoint **GEORGE C. MISSICK** as Chairman of the National Health Insurance Appeal Tribunal for Salt Cay, Grand Turk and South Caicos for a period of two years beginning 1 January 2021.

DATED this 24th day of December 2020.

NIGEL DAKIN
GOVERNOR

G.N. 940

APPOINTMENT OF MEMBER OF THE MIDDLE CAICOS DISTRICT BOARD

I, **NIGEL DAKIN**, Governor of the Turks and Caicos Islands in exercise of the powers conferred on me by section 4(1) of the Caicos District Boards Ordinance, hereby appoint **RUPERT TAYLOR** as a member of the Middle Caicos District Board beginning 1 January 2021 to 31 March 2021.

MADE this 21st day of December 2020.

NIGEL DAKIN
GOVERNOR

NON - OFFICIAL NOTICES**DEED POLL**

BY THIS DEED POLL made this **14th** day of **December 2020 A.D** by **PATRAL TIORA AZIZ HENFIELD** natural mother and legal guardian of **AZAYNE JAE'LA ROSE TIORA BEAUTE**, the undersigned of **Providenciales, Turks and Caicos Islands**, it is witnessed as follows:

- (i) I, **PATRAL TIORA AZIZ HENFIELD** the natural mother and legal guardian of **AZAYNE JAE'LA ROSE TIORA BEAUTE** of **Providenciales, Turks and Caicos Islands**, for and on behalf of my daughter **AZAYNE JAE'LA ROSE TIORA BEAUTE** absolutely and entirely renounce, relinquish and abandon the use of her former name, **AZAYNE sJAE'LA ROSE TIORA BEAUTE** and in lieu thereof assume the name of **AZAYNE TIORA AZIZ HENFIELD**.
- (ii) In pursuance of such change of names as aforesaid, I hereby declare that she shall at all times hereafter in all records, deeds and instruments of writing and in all actions and proceedings and in all dealings and transactions and upon all occasions whatsoever use sign subscribe the name of **AZAYNE TIORA AZIZ HENFIELD**, as her name in lieu of the said name of **AZAYNE JAE'LA ROSE TIORA BEAUTE** as renounced as aforesaid to the intent that she may hereafter be known and distinguished not by her former name of **AZAYNE JAE'LA ROSE TIORA BEAUTE**, but by the name of **AZAYNE TIORA AZIZ HENFIELD**, only.
- (iii) On her behalf, I hereby authorize and request all persons at all time to designate, describe and address her by such assumed name of **AZAYNE TIORA AZIZ HENFIELD**
- (iv) **IN WITNESS** whereof I, **PATRAL TIORA AZIZ HENFIELD** natural mother and legal guardian of **AZAYNE TIORA AZIZ HENFIELD** have hereunto subscribed my name and affix my seal this 14th day of December, 2020.

SIGNED, SEALED AND DELIVERED

In the presence of: -

AZAYNE TIORA AZIZ HENFIELD by her mother
and legal guardian **PATRAL TIORA AZIZ HENFIELD**

Emanuel Rigby
JUSTICE OF THE PEACE

Formerly known as **AZAYNE JAE'LA ROSE TIORA BEAUTE** by her mother and legal guardian **PATRAL TIORA AZIZ HENFIELD**

DEED POLL

By the Deed poll made this 21st day of November 2020 A.D by Carrington Wintpool, the undersigned of Bottle Creek, North Caicos Turks and Caicos Islands, it is witnessed.

I, Carrington Wintpool of Bottle Creek North Caicos, Turks and Caicos Islands, absolutely and entirely renounce, relinquish and abandon the use of my former name, Carrington Wintpool and in lieu thereof assume the name of Carrington Wintpool Williams.

(i) In pursuance of such change of names as aforesaid, I hereby declare that I shall at all times hereafter in all records, deeds and instruments of writing and in all actions and proceedings and in all dealings and transactions and upon all occasions whatsoever use sign subscribe the name of Carrington Wintpool Williams, as my name in lieu of the said name of Carrington Wintpool as renounced as aforesaid to the intent that I may hereafter be known and distinguished not by my former name of Carrington Wintpool, but by the name of Carrington Wintpool Williams, only.

(ii) I hereby authorize and request all persons at all time to designate, describe and address me by such assumed name of Carrington Wintpool Williams.

(iii) IN WITNESS whereof I, Carrington Wintpool have hereunto subscribed my name and affix my seal this 21st day of November, 2020.

Signed, Sealed and delivered }

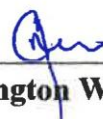


Carrington Wintpool

In the presence of:

}
]


Carol Ann Skippings
JUSTICE OF THE PEACE
TURKS AND CAICOS ISLANDS



Carrington Wintpool Williams

DEED POLL

BY THIS DEED POLL made this 15th day of December, 2020 by **SAHIL MALLIKHARJUNA RAO GAZULA**, the undersigned, of 23 Compass Point, Discovery Bay, Providenciales, Turks & Caicos Islands, it is witnessed:

- (i) **I, SAHIL MALLIKHARJUNA RAO GAZULA**, of 23 Compass Point, Discovery Bay, Providenciales, Turks & Caicos Islands, absolutely and entirely renounce, relinquish and abandon the use of my former name, **SAHIL GAZULA**, and in lieu thereof assume the name of **SAHIL MALLIKHARJUNA RAO GAZULA**.
- (ii) In pursuance of such change of name as aforesaid, I hereby declare that I shall at all times hereafter in all records, deeds and instruments of writing and in all actions and proceedings and in all dealings and transactions and upon all occasions whatsoever use, sign and subscribe the name of **SAHIL MALLIKHARJUNA RAO GAZULA** as my name in the lieu of said name of **SAHIL GAZULA**, as renounced as aforesaid, to the intent that I may hereafter be known and distinguished not by my former name of **SAHIL GAZULA**, but by the name **SAHIL MALLIKHARJUNA RAO GAZULA**, only.
- (iii) I hereby authorize and request all persons at all time to designate describe and address me by such assumed name of **SAHIL MALLIKHARJUNA RAO GAZULA**.

IN WITNESS WHEREOF, I, SAHIL MALLIKHARJUNA RAO GAZULA have hereunto subscribed my name and affixed my seal as of the day, month and year first above written

Signed, Sealed and delivered }
in the presence of: - }

_____ } _____ L.S.
Notary Public } **SAHIL GAZULA**

_____ } _____ L.S.
Notary Public } **SAHIL MALLIKHARJUNA RAO GAZULA**

REPRINT OF THE ELECTIONS ORDINANCE

In exercise of the power conferred on me under section 56 of the Interpretation Ordinance, I, **NIGEL DAKIN**, Governor of the Turks and Caicos Islands, hereby authorise the Elections Ordinance (Cap. 1.05) and subsidiary legislation made under it to be reprinted with all the necessary additions, omissions, substitutions and amendments effected by amending Ordinances as at 14 December 2020.

DATED this day of December, 2020.

NIGEL DAKIN
GOVERNOR

Reprinted with the authority of the Governor under section 56 of the Interpretation Ordinance (Cap. 1.03)

REPRINT



TURKS AND CAICOS ISLANDS

CHAPTER 1.05 ELECTIONS ORDINANCE and Related Legislation

Reprint
showing the law as at 14 December 2020

This is a reprint of the law, prepared under the authority of the Governor under section 56 of the Interpretation Ordinance.

This reprint contains a consolidation of the following laws—

	Page
ELECTIONS ORDINANCE	3
Ordinance 14 of 2012 .. in force 18 May 2012	
Amended by Ordinance 3 of 2016 .. in force 15 March 2016 (12/2016)	
Amended by Ordinance 18 of 2016 .. in force 25 July 2016 (L.N. 40/2016)	
Amended by Ordinance 31 of 2016 .. in force 1 November 2016 (L.N. 65/2016)	
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ELECTORAL DISTRICTS (BOUNDARIES AMENDMENT) ORDINANCE	69
Ordinance 23 of 2012 .. in force 21 August 2012	

No Subsidiary Legislation has been made under this Ordinance



TURKS AND CAICOS ISLANDS

CHAPTER 1.05
ELECTIONS ORDINANCE
and Related Legislation

Reprint
showing the law as at 14 December 2020

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No Subsidiary Legislation has been made under this Ordinance

**CHAPTER 1.05
ELECTIONS ORDINANCE**

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3. Residence

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CHAPTER 1.05

ELECTIONS ORDINANCE

(Ordinances 14 of 2012, 3 of 2016, 18 of 2016, 31 of 2016 and 29 of 2020)

AN ORDINANCE TO REGULATE ELECTIONS, AND FOR CONNECTED PURPOSES.

Commencement

[18 May 2012]

PART I

PRELIMINARY

Short title

1. This Ordinance may be cited as the Elections Ordinance.

Interpretation

2. (1) In this Ordinance—

“all Islands district” means the single electoral district established by section 45(2)(a) of the Constitution; *(Amended by Ord. 29 of 2020)*

“by-election” means an election other than a general election;

“central location” means the place notified pursuant to section 31(2) for the recount of the votes in an election for the all Islands district;

“Constitution” means the Constitution of the Turks and Caicos Islands set out in Schedule 1 to The Turks and Caicos Islands Constitution Order 2011;

(S.I. 2011/1681);

“counting agent” means a counting agent appointed by a candidate under section 37(1);

(Inserted by Ord. 3 of 2016)

“election” means an election of a member or members to serve in the House of Assembly;

“election documents” means the documents which the returning officer is required by section 54(2) to transmit to the Supervisor after an election;

“election officer” includes the Supervisor, every returning officer, Presiding Officer, poll clerk or other person having any duty to perform pursuant to this Ordinance, to the faithful performance of which duty he may be sworn;

“electronic poll book” means the electronic device in which the name and other particulars of every person registered to vote are consecutively entered by the poll clerk as soon as the person’s right to vote at the polling station has been ascertained and before any such applicant is allowed to vote;

(Inserted by Ord. 29 of 2020)

“electronic tabulating system” means the use of a machine for casting, scanning and tabulating of ballots and reporting of voting results by electronic means; *(Inserted by Ord. 29 of 2020)*

“elector” means a person who votes or is entitled to vote at an election of members of the House of Assembly;

“electoral district”—

(a) means an electoral district as defined in the Electoral Districts (Boundaries) Ordinance;

(b) does not include, unless expressly so provided or the context so requires, the all Islands district;

“independent candidate” has the meaning given in section 27(7);

“manual voting system” means the method of casting and tabulating ballots by hand and the culmination and reporting of voting results by hand; *(Inserted by Ord. 29 of 2020)*

“official list of voters” means the list provided pursuant to section 36(2)(c);

“polling agent” means a polling agent appointed by a candidate under section 37(1); *(Inserted by Ord. 3 of 2016)*

“poll book” means the book in the form set out as Form No. 16 in Schedule 1 in which the name and other particulars of every person registered to vote are consecutively entered by the poll clerk as soon as the person’s right to vote at the polling station has been ascertained and before any such person is allowed to vote; *(Inserted by Ord. 29 of 2020)*

“poll clerk” means a polling clerk appointed by the Supervisor under section 34(1); *(Inserted by Ord. 3 of 2016)*

“polling day” means the day fixed for holding the poll at an election, or any other day to which the poll is adjourned;

“polling division” means a polling division constituted in accordance with section 5 and to which the whole or a part of the register of voters for a polling division is allotted;

“polling station” means a room secured by the returning officer for the taking of the votes on polling day and to which the whole or a part of the register of voters for a polling division is allotted;

“Presiding Officer” means a Presiding Officer appointed by the Supervisor under section 33(1); *(Inserted by Ord. 3 of 2016)*

“qualifying date” means the date appointed under section 9 as the date with reference to which the qualifications of persons for registration as electors for the purpose of the election of members of the House of Assembly are to be ascertained;

“rejected ballot paper (manual voting system)” when using the manual voting system, means a ballot paper which has been handed by the Presiding Officer to a voter to cast his vote but which at the close of the poll has been found in the ballot box unmarked or so improperly marked that in the opinion of the returning officer, it cannot be counted; *(Substituted by Ord. 29 of 2020)*

“rejected ballot paper (electronic tabulating system)” when using the electronic tabulating system, means a ballot paper which has been handed by the Presiding Officer to a voter to cast his vote but which at the close of the poll has been found in the ballot box unmarked or so improperly marked that the electronic tabulating system cannot count it as a valid vote;

(Substituted by Ord. 29 of 2020)

“relief agent” means a relief agent appointed by a candidate under section 37(1);

(Inserted by Ord. 3 of 2016)

“returning officer” means in relation to an electoral district, the officer appointed by the Governor in that behalf under section 6;

“spoiled ballot paper” means a ballot paper which, on polling day, has not been deposited in the ballot box but has been found by the Presiding Officer to be spoiled or improperly printed, or which has been handed by the Presiding Officer to a voter to cast his vote, and—

(a) has been spoiled in marking by the voter; and

(b) has been handed back to the Presiding Officer and exchanged for another;

“Supervisor” means the Supervisor of Elections appointed under section 97 and 104 of the Constitution and any public officer authorised by the Supervisor to act on his behalf in the performance of his duties under this Ordinance;

“voter” means any person who votes or is entitled to vote at an election;

“voting symbol” means the voting symbol assigned to a political party or an independent candidate under section 28;

“writ” means the writ for an election.

(2) Where in this Ordinance—

(a) any notice, list or any other instrument is required to be published, then unless the contrary intention appears in any section, the publication of the notice, list or other instrument shall be made by posting the same on the door of any court house, church, chapel, schoolhouse or such other building in the Islands as in the opinion of the Governor is suitable for the purpose:

Provided that in places where there is no such building as aforesaid, such notice, list or other instrument may be posted in a conspicuous place; and

(b) any paper, list or report is required to be printed under this Ordinance, such paper, list or report may, instead of being so printed be represented or reproduced by means of a typewriter, photocopy, computer print-out or other similar apparatus or by any other method by which words, figures and signs may be represented or reproduced in visible form.

(3) In this Ordinance, any notice or other document required or authorised to be given or sent by the Supervisor is deemed to have been received by the

person to whom it is given or sent if it is sent to the person by registered post to the place where the person resides or to his last known residence.

Residence

3. (1) For the purposes of this Ordinance, a person is resident in a place if—
 - (a) for a period of more than six months in the period of twelve months immediately preceding the date of the person's application for registration as an elector the person used the place as a home (whether or not continuously); or
 - (b) in the case of a person who, in such a period of twelve months, uses two or more places as a home, the person uses the place as a home (whether or not continuously) for the greater part of that period.
- (2) A person who is detained in legal custody at a place is not by virtue of that resident at that place.
- (3) A person referred to under section 12(1)(b) shall for the purposes of this Ordinance be deemed to be resident at his last known address in the Islands.

PART II

ELECTORAL DISTRICTS AND REGISTRATION OF VOTERS

Supervisor of Elections

4. The Supervisor of Elections shall—
 - (a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with this Ordinance;
 - (b) issue to election officers such instructions as may from time to time be deemed necessary to ensure effective execution of this Ordinance; and
 - (c) execute and perform all other powers and duties which by this Ordinance are conferred and imposed upon him.

Polling divisions

5. (1) Each electoral district shall be a polling division.
- (2) Notwithstanding subsection (1), the Supervisor, with the approval in writing of the Governor, may divide any electoral district into so many polling divisions and with such boundaries and descriptions as he may by notice appoint. Every such notice shall be published in the *Gazette*.
- (3) The Supervisor may in like manner from time to time vary the number, descriptions and boundaries of any polling division so appointed.
- (4) In determining the boundaries of any polling division, the Supervisor shall have regard to geographical and population considerations and such other

factors as may affect the facility of communication between various places within the polling division.

Appointment of returning officers

6. (1) The Governor may on the recommendation of the Supervisor appoint a fit and proper person to be the returning officer for—

(a) the all Islands district; and

(b) each of the ten electoral districts mentioned in section 45(2)(b) of the Constitution. (*Amended by Ord. 29 of 2020*)

(2) The Governor may on the recommendation of the Supervisor appoint a fit and proper person to be an assistant returning officer for a polling station.

(3) On his appointment each returning officer or assistant returning officer must—

(a) take and subscribe an oath in the form set out as Form No. 12 in Schedule 1; and

(b) send the oath to the Supervisor.

(4) For the purpose of any provision of this Ordinance relating to the nomination of persons to be candidates for election for the all Islands district, a reference to the returning officer includes a reference to a returning officer appointed under subsection (1)(b) acting in the district for which he is so appointed as an assistant returning officer for the all Islands district.

Taking of oaths

7. (1) Every election officer and every person who is required by this Part or Part III to take an oath may take such oath either before a Magistrate, a Justice of the Peace, the Supervisor or before any returning officer or Presiding Officer or poll clerk appointed in accordance with this Ordinance and every such Magistrate, Justice of the Peace, returning officer, Presiding Officer, poll clerk and the Supervisor is hereby authorised and empowered to administer any oath required by this Part or Part III to be made or taken by any election officer or other person.

(2) Every person who is required to take an oath in pursuance of this Part or Part III may elect to make a solemn affirmation instead of taking such oath.

Remuneration of officers

8. There shall be paid to the Supervisor, each returning officer and to any other election officer appointed under this Ordinance such remuneration for their services and such allowances in respect of travelling and other expenses incurred by them as the Governor may approve.

Qualifying date

9. (1) For the purposes of this Ordinance, the qualifying date for registration as an elector where the poll for an election is held in the period of twelve months following 1 March in any year is—

- (a) unless paragraph (b) or (c) applies, 30 November in the preceding year;
- (b) in the case of a person who, after 30 November but on or before the date of the poll, attains the age of eighteen, the date on which the person attains the age of eighteen; or
- (c) in the case of a person who, after 30 November but on or before the relevant date, is granted the status of Turks and Caicos Islander by virtue of section 132(2) of the Constitution, the relevant date.

(2) In subsection (1)(c), the relevant date is the date the person is granted the status of Turks and Caicos Islander, provided it is not less than thirty days before the date of the poll.

Preparation of Register of Electors

10. (1) As soon as practicable after the commencement of this section the Supervisor must, in accordance with this Part, prepare the Register of Electors containing the names of persons who are qualified to be registered as electors under section 55 of the Constitution.

(2) The Register of Electors is to be framed in separate parts for each electoral district.

(3) With a view to the preparation of the Register of Electors, the Supervisor shall—

- (a) receive and consider applications from persons entitled to be registered as electors;
- (b) have prepared and published electors lists showing the persons appearing to him to be entitled to be registered together with their qualifying addresses; and
- (c) determine all claims for registration made by any person, and all objections to a person's registration duly made by another person appearing from the elector's list in the same electoral district, including claims and objections asking for omission, insertion or alteration of a date on which a person will become eighteen years and entitled to be treated as a an elector. (*Substituted by Ord. 29 of 2020*)

Registration of electors

11. (1) A person who on the qualifying date is qualified to be an elector may apply to the Supervisor for registration.

(2) An application made under this section must—

- (a) be in the form set out as Form No. 1 in Schedule 1;
- (b) be accompanied by the following—
 - (i) proof of the residential address stated in the duly completed Form No. 1; and
 - (ii) proof of identification; and

(c) be signed by the applicant.

(Substituted by Ord. 29 of 2020)

(3) If the Supervisor is satisfied that the person is qualified as mentioned in subsection (1) the Supervisor must register the person in the electors list for the electoral district in which he is resident. *(Amended by Ord. 18 of 2016)*

(4) The Supervisor must not register a person in more than one electoral district.

(5) Before registering a person as an elector, the Supervisor may, if he thinks it necessary, require the person to produce documentary evidence relating to his entitlement to be registered.

(6) Any person who knowingly—

(a) makes a statement in an application form which is false in a material particular; or

(b) submits a document in support of the application which is false in a material particular or which has been altered without lawful authority,

commits an offence and is liable on summary conviction to a fine of \$1,000 and to imprisonment for a term of three months.

Registration of electors resident overseas

12. (1) This section applies to a person—

(a) who is qualified to be registered as an elector; and

(b) who, at the time when the person makes an application for registration, is resident outside the Islands for a reason mentioned in subsection (2).

(2) The reasons are—

(a) the person is a member of Her Majesty's Forces;

(b) the person is working abroad on Government business;

(c) the person is a student resident abroad.

(3) An application for registration must—

(a) be in the form set out in Form No. 1 in Schedule 1, and

(b) be signed by the applicant.

(4) The person must send the completed application to the Supervisor along with such documents as the Supervisor requires to establish the person's qualification to be registered.

(5) For the purpose of subsection (2)(b), a person is working abroad on government business if he is employed by or engaged pursuant to a contract with the Government to carry out duties in a place outside the Islands.

(6) For the purpose of subsection (2)(c), a person is a student resident abroad if he is engaged in a course of study which requires him to attend for not less than 10 hours per week at an educational establishment situated outside the Islands and—

- (a) if his attendance at the course is wholly or mainly paid out of public funds, he produces a letter from the Permanent Secretary responsible for education that the course is approved by the Government; or
- (b) in any other case, he produces—
 - (i) a current enrollment letter from an educational establishment;
 - (ii) receipts indicating payments of tuition fees;
 - (iii) an affidavit sworn before a Notary Public by a student, confirming attendance at the educational establishment; or
 - (iv) any other proof as may be required by the Supervisor.

(Substituted by Ord. 29 of 2020)

Notification of change of particulars

12A. (1) Where there is a change in the registered particulars of an elector, the elector shall within thirty days from the date of such change, give notice to the Supervisor in the form set out as Form. No. 1A in Schedule 1.

(2) On receipt of the notification under subsection (1), the Supervisor shall amend the register accordingly.

(Inserted by Ord. 29 of 2020)

Transfer of registration

12B. (1) Where an elector moves from an electoral district in which he is presently registered and the elector has resided in another electoral district for a period of more than six months, the elector shall notify the Supervisor and apply for transfer of his registration to the electoral district with which he has moved to, not later than 31 December of every year.

(2) An elector shall make an application to transfer his registration in the form set out as Form No. 1B in Schedule 1.

(3) Upon receipt of the notification and application referred to in subsection (1), the Supervisor shall transfer the elector's registration particulars to the register of the electoral district he has moved to, by the date of publication of the electors lists every year, but not later than the date of publication of the electors lists which is the final list published for an election year.

(Inserted by Ord. 29 of 2020)

Annual publication of lists

13. (1) The Supervisor shall publish not later than 31 January in every year the electors lists by making a copy available for inspection at his office and by making copies of the electors lists relating to each electoral district available for inspection in those districts at such times and places as the Supervisor specifies by notice published in such manner as the Supervisor thinks most likely to come to the attention of members of the public.

(2) The list published under subsection (1) is to include entries relating to the persons to whom section 9(1)(b) applies.

(3) This section does not apply in the case of a person to whom section 9(1)(c) applies.

Notice of claims and objections

14. (1) The Supervisor shall at the time of publishing the electors lists publish a notice in the form set out as Form No. 2 in Schedule 1 specifying the manner in which and the time within which claims and objections in respect of the electors lists may be made.

(2) The notice referred to in subsection (1) shall be published in the way the Supervisor thinks best calculated to bring it to the attention of the electors.

(3) A claim or objection shall be delivered to the Supervisor not later than fourteen days from the date of publication of the lists.

Forms of claims and objections

15. (1) A person who is qualified to be included in the electors lists whose name or particulars have been omitted or wrongly stated may make a claim for himself, or the claim may be made on his behalf by another person, in the form set out as Form No. 3 in Schedule 1. (*Substituted by Ord. 29 of 2020*)

(2) A person whose name appears in the electors list in the same electoral district may object to any other person whose name also appears therein as not being entitled to have his name therein, in the form set out as Form No. 4 in Schedule 1. (*Substituted by Ord. 29 of 2020*)

(3) Where an elector is likely to be temporarily absent from the Islands he may appoint in writing in the form set out as Form No. 5 in Schedule 1 and in the prescribed manner another person to act as agent on his behalf for the purpose of making a claim.

(4) The Supervisor shall make claims and objections available for inspection in his office and at a suitable location in each electoral district (in such manner and at such times as he thinks appropriate) until the completion of the hearing of claims and objections.

(5) Where a person is appointed to act as an agent under subsection (3), the person must submit to the Supervisor—

- (a) the completed Form No. 5 as mentioned in that subsection; and
- (b) an affidavit sworn before a Notary Public by the person who made the appointment.

(6) A person commits an offence if he knowingly—

- (a) makes a statement in a claims form or an objections form which is false in a material particular; or
- (b) submits a document in support of a claims form or objections form which is false in a material particular or which has been altered without lawful authority.

(7) A person who commits an offence under subsection (6) is liable on summary conviction—

- (a) to a fine of \$1,000; and

(b) to imprisonment for a term of three months.

Preliminary disposal of claims and objections

16. (1) If the Supervisor is of the opinion that —

- (a) the particulars given in a claim or objection are insufficient, he may ask for further information or take no further action until such information is supplied;
- (b) a claim may be allowed without a hearing, he may allow the claim, provided that no objection is made to it, and shall so inform the person making the claim;
- (c) the objector is not entitled to object, he may disallow the objection and shall so inform the objector; or
- (d) a claim or objection cannot be allowed because the particulars given in a claim or objection do not entitle the claimant or objector to succeed—
 - (i) he may send to the person making the claim or objection a notice stating his opinion, the grounds for it and that he intends to disallow the claim or objection unless the person gives the Supervisor notice within three days from the date of the Supervisor's notice that he requires the claim or objection to be heard; and
 - (ii) if the Supervisor receives no such notice within the time referred to in subparagraph (i), he may disallow the claim or objection.

(2) The Supervisor shall, unless he allows or disallows the claim or objection under subsection (1), send a notice in the case of a claim, to the person making the claim and, in the case of an objection, to the objector and the person objected to, stating the time and place at which he proposes to hear the claim or objection, and the notice sent to a person objected to shall also state the name and address of the objector and the grounds of the objection.

(3) The time fixed for the hearing of a claim or objection shall not be earlier than ten days after the date of the notice referred to in subsection (2).

(4) The Supervisor shall make available for inspection at his office and at a suitable location in each electoral district until completion of the hearing of claims and objections, the lists of claims and objections together with the time and place at which he proposes to hear any claim or objection.

Hearing of claims and objections

17. (1) Each of the following is entitled to appear and be heard—

- (a) on the hearing of a claim, the person making the claim and any person who has duly made an objection to it;
- (b) on the hearing of an objection, the objector and the person objected to; and
- (c) on the hearing of either, any other person who appears to the Supervisor to be interested.

(2) The right to appear and be heard includes the right to make written representations.

(3) Any person entitled to appear and be heard may do so either in person or by any other person on his behalf.

(4) The Supervisor may, at the request of a person entitled to appear and be heard, or if he thinks fit, without such a request, require that the evidence tendered by any person shall be given on oath and may administer an oath for the purpose.

(5) Unless the prior approval of the Supervisor is obtained, a person must not use any electronic communication equipment or device during a hearing under this section.

(6) Subject to this section, the Supervisor may regulate the proceedings at the hearings.

(7) A person commits an offence if, at a hearing under this section he conducts himself in such a manner as to disrupt the proceedings at the hearing.

(8) A person who commits an offence under subsection (5) or (7) is liable, on summary conviction, to a fine of \$1,000 or to imprisonment for a term of six months, or to both.

Appeals to the elections adjudicators

18. (1) An appeal lies to the elections adjudicators from any decision of the Supervisor on—

- (a) a claim for registration, or
- (b) an objection to a person's registration.

(2) An appeal does not lie if the person seeking to challenge the decision of the Supervisor has not availed himself of the right to be heard by or make representations to the Supervisor.

(3) Notice of the appeal must be given to the adjudicators not later than fourteen days after the making of the decision complained of, in the form set out as Form No. 5A in Schedule 1, and the adjudicators shall set down the appeal for hearing within fourteen days of receiving the notice of appeal. (*Amended by Ord. 29 of 2020*)

(4) Except as otherwise provided in this section, section 17 shall apply *mutatis mutandis* to the hearing of appeals as they apply to hearings of claims and objections.

(5) The decision of the adjudicators shall be final and conclusive.

(6) The Governor, acting in his discretion, shall appoint two elections adjudicators, one of whom must have local knowledge, provided that no person shall be qualified to be appointed if he is or has been within the preceding three years—

- (a) an elected or appointed member of the House of Assembly;
- (b) the holder of any office in any political party; or
- (c) a political activist.

Corrections to the electors lists

19. The Supervisor shall make any alteration to the electors lists which is required—

- (a) to carry out his decision with respect to any claim or objection;
- (b) to carry out the decision of the elections adjudicators with respect to an appeal;
- (c) to correct any clerical error;
- (d) to correct any misnomer or inaccurate description; or
- (e) to delete the name of any person who he is satisfied to be dead.

Pre-registration

20. In the case of a person who qualifies for registration by virtue of section 9(1)(b)—

- (a) the person's entry in the Register shall give the date on which he attains the age of eighteen; and
- (b) until the date given in the entry, the person is not by virtue of the entry to be treated as an elector for any purposes other than the purposes of an election at which the day fixed for the poll is on or after that date.

Publication of the Register

21. (1) The Governor must publish the Register of Electors—

- (a) as soon as possible after the conclusion of hearings of claims and objections; and
- (b) in any event, not later than 31 March in each year.

(2) The Register is published—

- (a) by making a copy of the Register available at the Governor's office for inspection; and
- (b) by making copies of the part of the Register relating to each electoral district available for inspection as soon as practicable at the place at which copies of the part of the electors list were made available for inspection under section 13. (*Amended by Ord. 29 of 2020*)

(3) If an appeal against the decision of the Supervisor is pending before the elections adjudicators, the Governor must not publish the part of the Register affected by the appeal.

(4) Where subsection (3) applies—

- (a) until the day following that on which that part of the Register is published, the corresponding part of the Register published in the preceding year continues to have effect, and
- (b) this Ordinance has effect in relation to the election and the district to which the corresponding part relates as if the qualifying date by

reference to which that part was prepared were the qualifying date for the registration of electors for the election.

(5) The Register of Electors must continue to be published until the publication of the next Register.

(6) Except as provided in subsection (4), the Register of Electors published in any year is to be used for elections at which the date fixed for the poll falls within the period of twelve months starting on 1 April in that year.

Correction of Register

22. (1) Subsection (2) applies if the Register of Electors as published does not carry out the Supervisor's intentions—

- (a) to include the name of a person shown in the electors lists as a person entitled to be registered; or
- (b) to give effect to a decision on a claim or objection made with respect to the electors lists.

(2) The Supervisor must, on becoming aware of a fact referred to in subsection (1)—

- (a) make the necessary correction in the Register; and
- (b) inform the Governor accordingly.

Adaption of electors lists, etc.

23. Where, consequent upon a review of the electoral district boundaries, an alteration is made to the electoral district boundaries—

- (a) the Governor may direct that the Register of Electors be adapted to the alterations; and
- (b) if the alteration takes place between the publication of the electors lists and the publication of the Register of Electors prepared from those lists, the form of the Register of Electors shall be framed in accordance with the alterations.

Duty of officials to furnish information

24. (1) The Registrar of Births, Deaths and Marriages shall provide to the Supervisor every month a list containing the name, address, date of birth and sex of each deceased person aged seventeen years or older.

(2) The Chief Medical Officer shall within thirty days of the event provide to the Supervisor the name, address, date of birth and sex of every person who has been certified to be insane or who has otherwise been judged to be of unsound mind under any law in force in the Islands.

(3) The Superintendent of Prisons must, on the first day of each month provide to the Supervisor a list of all persons on that day serving a sentence of imprisonment for twelve months or more.

(4) In the case of a person who is disqualified by or under any law in force in the Islands from being registered as an elector by reason of having been convicted of an offence relating to elections, each of the following must, not less

than thirty days after the date of the disqualification, send to the Supervisor the name of the person—

- (a) the Clerk of the Magistrate's Court, if the disqualification is imposed by that court;
- (b) the Registrar of the Supreme Court, if the disqualification is imposed by that court; and
- (c) the Commissioner of Police, in every case.

Electoral registration cards

25. (1) The Supervisor must issue to each elector registered in the Register of Electors an electoral registration card.

(2) The electoral registration card must contain the following particulars—

- (a) the elector's registration number;
- (b) date of registration;
- (c) full name;
- (d) place and date of birth;
- (e) sex of elector;
- (f) home address;
- (g) signature of elector;
- (h) signature of Supervisor.

(3) The electoral registration card may also contain a chip or other device for storing information electronically or digitally.

(4) The information stored electronically or digitally may include information capable of recording (when used with a device at a polling station) when a voter has voted at an election.

(5) If the Supervisor is notified by an elector of a change of name or address, he shall (on the return to him of the currently valid registration card) issue a new registration card containing the amended particulars.

(6) Without prejudice to subsection (1), the Governor may by regulations authorise the use of a card issued for another purpose to be used as an electoral registration card.

(7) A card which is so authorised—

- (a) must contain the information specified in subsection (1);
- (b) may contain a chip or other device as mentioned in subsection (2);
and
- (c) may have the capability mentioned in subsection (4).

(8) This section does not have effect until such day as the Governor appoints by proclamation published in the *Gazette*.

PART III

ARRANGEMENTS FOR ELECTIONS

Issue of writs for holding elections

26. (1) For the purpose of every election of members of the House of Assembly, the Governor must issue writs under the Public Seal addressed to the returning officers of the respective electoral districts for which members are to be returned.

(2) The writs are to be forwarded to the Supervisor for transmission to the returning officers.

(3) Every writ must be in the form set out as Form No. 6 in Schedule 1 and must specify—

- (a) the day (being not less than fourteen working days from the date of receipt of the writ) and place of nomination of candidates;
- (b) the day on which, if necessary, the poll is to be held (being not less than twenty-one days after the date of nomination); and
- (c) the day on or before which the writ is to be returned to the Governor.

(4) Upon receipt of the writ, the returning officer must hold the election in the manner provided by or under this Ordinance.

Notice of place and time of nomination

27. (1) On receiving the writ, every returning officer shall publish a notice in the form set out as Form No. 7 in Schedule 1 of the day and place fixed for the nomination of candidates.

(2) The notice shall be published at least five working days before the day fixed for the nomination.

(3) Nomination papers shall be provided by the returning officer and shall be in the form set out as Form No. 8 in Schedule 1.

(4) On the day and at the place so fixed for the nomination of candidates every returning officer shall attend between the hours of 10 a.m. and 1 p.m. and between the hours of 2 p.m. and 4 p.m. and receive the nomination of any duly qualified candidate for the seat to be filled.

(5) Each candidate for election shall be nominated on one nomination paper by at least two registered voters of the electoral district for which such candidate seeks election and his consent to the nomination shall be given in writing on such nomination paper and attested by one witness:

Provided that no candidate shall be deemed not to have been validly nominated by reason only of the fact that subsequent to nomination day any person by whom his nomination paper was signed is struck off the Register of Electors relating to the relevant electoral district.

(6) Where a candidate is endorsed by a political party and wishes to have the name of that party shown in the election documents relating to him, there shall be delivered to the returning officer along with his nomination paper a

letter from or on behalf of the chairman of the party stating that the candidate is endorsed by the party.

(7) A candidate in respect of whom subsection (6) is not satisfied (in this Ordinance referred to as an “independent candidate”) shall be described in the election document relating to him by the word “independent”.

(8) If at 4 p.m. in an electoral district on the day fixed for nomination of candidates only one candidate has been nominated for the seat to be filled the returning officer shall declare the nominated candidate elected and shall thereafter certify by endorsement on the writ the return of such candidate in the form set out as Form No. 9 in Schedule 1 and shall return the writ so endorsed to the Supervisor for transmission to the Governor within the time specified for that purpose.

(9) If at 4 p.m. in the all Islands district on the day fixed for nomination of candidates the number of candidates nominated equals the number of seats to be filled, the returning officer shall declare the nominated candidates elected and shall thereafter certify by endorsement on the writ the return of the candidates in the form set out as Form No. 10 in Schedule 1 and shall return the writ so endorsed to the Supervisor for transmission to the Governor within the time specified for that purpose.

(10) A candidate duly nominated may, not less than three clear days after the close of nominations, withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer, and any votes cast for the candidate who has so withdrawn shall be null and void:

Provided that no candidate may withdraw if on such withdrawal there is not at least one other duly nominated candidate in the electoral district for which he is to be returned.

(11) Subject to subsection (13) when a candidate has withdrawn, is disqualified by a Court or dies after the ballots are printed, the returning officer shall advise by letter, fax or email each Presiding Officer of his constituency of such withdrawal or death and, when time permits, shall distribute to each Presiding Officer a printed notice of the withdrawal or death; and on polling day each Presiding Officer shall post up a copy of the printed notice of withdrawal or death in a conspicuous place in his polling station.

(12) If time does not permit for the printing and the distribution of a notice referred to in subsection (11), the Presiding Officer, upon being advised by a letter, fax or email by the returning officer of the withdrawal, disqualification or death of a candidate, shall himself prepare by hand a notice to that effect and post it up in a conspicuous place in his polling station; and in either case the Presiding Officer shall, when delivering a ballot to each voter, inform such voter of the withdrawal, disqualification or death of the candidate.

(13) If, after the withdrawal, disqualification or death of a candidate, there remains—

- (a) in the case of an electoral district other than the all Islands district, only one candidate, the returning officer shall return as duly elected the candidate so remaining without waiting for the day fixed for holding the poll; and

(b) in the case of the all Islands district, fewer candidates than there are vacancies, the returning officer shall return as duly elected the candidates so remaining without waiting for the day fixed for holding the poll.

(14) A by-election must be held if, following the death, disqualification or withdrawal of a candidate—

(a) in the case of an electoral district other than the all Islands district, no candidates remain; and

(b) in the case of the all Islands district, fewer candidates remain than there are vacancies.

(15) A person commits an offence who in a nomination paper knowingly makes a statement which is false in a material particular and is liable, on summary conviction, to a fine of \$1,000 and to imprisonment for three months.

Voting symbols

28. (1) On or before the day fixed for nomination of candidates under section 27, the secretary or other officer of a political party or an independent candidate may certify and file with the Supervisor a notice of request to use a particular voting symbol, which notice shall be in the form prescribed in Schedule 2.

(2) Within forty-eight hours after the close of nominations the Supervisor may allot a voting symbol to each candidate in such election:

Provided that the same symbol shall be allotted to each candidate of the same political party.

(3) The allocation of voting symbols to each candidate shall be at the discretion of the Supervisor, but in exercising such discretion due cognizance shall be taken of the duly notified desire of a political party or independent candidate to use a political symbol.

Deposit

29. (1) A candidate for election, or someone on his behalf, shall deposit with the Treasury, on or before the day of his nomination, the sum of \$500 and, if he fails to do so, the nomination of such candidate shall not have effect.

(2) The full amount of every deposit made under subsection (1) shall forthwith after its receipt be transmitted by the returning officer to the Permanent Secretary, Finance.

(3) If the deposit is made on behalf of the candidate the person making the deposit must satisfy the returning officer as to his identity and provide the returning officer with his full name and address.

(4) If after the deposit is made the candidature is withdrawn in accordance with section 27(11) the deposit shall be returned by the Permanent Secretary, Finance to the person by whom it was made; and if the candidate dies after the deposit is made and before the taking of the poll the deposit, if made by him, shall be returned to his legal personal representative or, if not made by him, shall be returned to the person by whom it was made. (*Amended by Ord. 29 of 2020*)

When deposit forfeited or returned

30. (1) If a candidate who has made a deposit referred to in section 29 is not elected and the number of votes polled by him does not exceed 1/8 of the total number of votes polled, the amount deposited shall be forfeited to the Crown; and in any other case the deposit shall be returned by the Permanent Secretary, Finance as soon as practicable after the result of the election is declared, to the candidate, his legal personal representative, or the person by whom the deposit was made, as the case may be.

(2) For the purposes of this section the number of votes polled shall be deemed to be the number of the ballot papers (other than rejected ballot papers) counted.

Contested elections, publication of date and place, etc.

31. (1) A poll must be taken on the day specified in the writ if—

- (a) in an electoral district (other than the all Islands district) there is more than one candidate duly nominated; or
- (b) in the all Islands district there are more candidates duly nominated than the number of vacancies to be filled.

(2) The returning officer shall publish a notice in the form set out as Form No. 11 in Schedule 1 specifying—

- (a) the day and time on which and the locations of the polling stations in the electoral district at which the poll will be taken;
- (b) the names, addresses and occupations of the candidates nominated for election;
- (c) the place where and the date and time when the number of votes given to the several candidates for the electoral district will be counted; and
- (d) in the case of the all Islands district, the name and place of the central location for the purpose of a recount of the votes.

Polling stations

32. (1) On the day named in the notice published under section 31(2) for the taking of the poll the returning officer shall cause to be opened in the electoral district to which he is appointed such number of polling stations as the Supervisor determines.

(2) The returning officer shall provide each polling station with such number of compartments as he may consider necessary to enable voters to record their votes screened from observation.

(2A) Every polling station shall have a standard layout as may be determined by the Supervisor from time to time, and this layout shall provide for one entrance and one exit, where a voter shall have a one-way progression through the voting area. (*Inserted by Ord. 29 of 2020*)

(3) Unless the writ otherwise directs, polling stations shall be opened at 7 a.m. and shall be closed at 7 p.m.

(4) If there is more than one polling station in an electoral district the Supervisor must specify in writing to the Presiding Officer persons who are to vote at each polling station in the district by reference to the alphabetical order of their family names.

(5) At the poll for the election of members for the all Islands district and for the election of a member for another electoral district—

- (a) a polling station opened in that district is also a polling station for the all Islands district;
- (b) subsection (2) applies as if the returning officer for the other electoral district were the returning officer for the all Islands district; and
- (c) a voter must vote in the election for the all Islands district in the polling station in which, pursuant to subsection (4), the voter is required to vote in the election for the member for the other electoral district.

Presiding officers

33. (1) The Supervisor must, subject to the approval of the Governor, appoint a Presiding Officer to attend at each polling station—

- (a) to receive the votes; and
- (b) to regulate the voting process in the polling station.

(2) No person shall be appointed as a Presiding Officer who has been employed by or on behalf of a candidate in or about the election or who is or has been within the preceding four years—

- (a) an elected or appointed member of the House of Assembly; or
- (b) the holder of any office in any political party.

(3) Forthwith upon his appointment, every Presiding Officer shall take and subscribe an oath in the form set out as Form No. 13 in Schedule 1 and shall transmit such oath to the Supervisor.

Poll clerks

34. (1) The Supervisor shall, subject to the approval of the Governor, appoint a poll clerk for every polling station.

(2) No person shall be appointed as a poll clerk who has been employed by or on behalf of a candidate in or about the election or who is or has been within the preceding four years—

- (a) an elected or appointed member of the House of Assembly; or
- (b) the holder of any office in any political party.

(3) Forthwith upon his appointment, every poll clerk or person appointed to act as a poll clerk shall take and subscribe an oath in the form set out as Form No. 14 in Schedule 1 and shall transmit such oath to the Supervisor.

(4) If a Presiding Officer dies or becomes incapable of performing his duties during the taking of the poll, the poll clerk shall forthwith assume the

office of Presiding Officer and shall appoint some other person to act as poll clerk.

(5) If a poll clerk dies or becomes incapable of performing his duties during the taking of the poll the Presiding Officer shall forthwith appoint some other person to act as poll clerk.

(6) Every appointment made under subsection (4) or (5) shall be reported to the Supervisor by the person making the appointment.

Ballot boxes: manual voting system (*Substituted by Ord. 29 of 2020*)

35. (1) Where the manual voting system is used, the Supervisor shall supply to each returning officer a number of ballot boxes not less than the number of polling stations in his electoral district. (*Amended by Ord. 29 of 2020*)

(2) Every ballot box—

(a) must be made of durable material;

(b) must have a lock and key or some other device to ensure that it can be kept securely closed;

(c) must have a slit or narrow opening in the top; and

(d) must be so constructed that the ballot papers may be inserted in it but cannot be withdrawn from it unless the box is unlocked or the other securing device is removed.

(3) The ballot boxes supplied for use in relation to the election of members for the all Islands district must be of a different colour from those supplied for use in the election of members for the other electoral districts.

(4) The ballot boxes supplied for use in relation to the election of members for the all Islands district and for use in the election of members for the other electoral districts must not be of a colour associated with a political party.

(5) The ballot boxes supplied for use in relation to the election of members for the other electoral districts must be labelled for each electoral district.

Electronic tabulating machines

35A. (1) The Supervisor shall supply to each returning officer a number of electronic tabulating machines not less than the number of polling stations in his electoral district.

(2) Each machine shall have a ballot box attached to it, which ballot box must have a lock and key or some other device to ensure that it can be kept securely closed.

(3) Every machine must have a slit or narrow opening on the top through which ballot papers may be inserted into the machine.

(4) Every machine must be constructed that—

(a) the contents of the attached ballot box cannot be removed without detaching the ballot box from the machine; and

- (b) a seal can be used to seal the opening to prevent any person inserting any ballot papers into the ballot box following the close of poll.

(Inserted by Ord. 29 of 2020)

Supplies of election material

36. (1) Where the manual voting system is used, the returning officer shall provide each Presiding Officer with a ballot box and such number of ballot papers as in the opinion of the returning officer may be necessary. *(Amended by Ord. 29 of 2020)*

(1A) Where the electronic tabulating system is used, the returning officer shall provide each Presiding Officer with an electronic tabulating machine and such number of ballot papers as in the opinion of the returning officer may be necessary. *(Inserted by Ord. 29 of 2020)*

(2) The returning officer shall provide each polling station with—

- (a) a statement showing the number of ballot boxes provided with their serial numbers;
- (b) the necessary materials to enable voters to mark the ballot papers;
- (c) one copy of the Register of Electors (certified by the returning officer, hereinafter called “the official list of voters”) relating to the electoral district to which he is appointed; *(Amended by Ord. 29 of 2020)*
- (d) a blank poll book or where the electronic tabulating system is used, an electronic poll book, in the form set out in Form No. 16 of Schedule 1, showing only the names, occupation, addresses and date of birth of the voters; *(Substituted by Ord. 29 of 2020)*
- (e) at least five copies of the directions for the guidance of voters—
- (i) for the manual voting system, in the form set out as Form No. 15 in Schedule 1; and
- (ii) for the electronic tabulating system, in the form set out as Form No. 15A in Schedule 1. *(Substituted by Ord. 29 of 2020)*
- (f) the several forms of oaths to be administered to voters or other persons; and
- (g) such other things as may be necessary for conducting the election in the manner provided by this Ordinance.

Polling and counting agent

37. (1) Each candidate may, before the commencement of the poll, appoint—

- (a) a polling agent and up to two relief agents to attend to a polling station; and
- (b) one counting agent to attend at the counting of the votes.

(Substituted by Ord. 3 of 2016)

(2) An agent may be appointed on behalf of more than one candidate.

(3) In the application of subsection (1) to the election of members for the all Islands district, if more than one candidate is standing for election in the name of a political party only one polling agent and counting agent may be appointed for all of the candidates standing in the name of the same party.

(4) Every appointment of an agent shall be in writing and shall state the name and address of the person appointed and shall be given, duly signed by the candidate, to the Presiding Officer or the returning officer as the case may be, not less than five clear days before the taking of the poll.

(5) The Supervisor, acting in his discretion, may declare an agent so appointed not to be a suitable person to exercise the responsibilities of a candidate's agent whereupon the said appointment shall become null and void.

(6) Any candidate whose appointment of an agent has become null and void in accordance with subsection (5) is entitled to appoint a new agent in accordance with this section.

Where relief agent appointed

38. (1) A relief agent may take the place of the polling agent when the polling agent leaves the polling station, however only one agent can remain present inside the polling station at a time.

(2) Of the agents appointed under section 37(1)(a), whoever is inside the polling station is the polling agent of the candidate for the time being, and shall have the same rights and responsibilities as given to a polling agent.

(3) A polling agent shall not be allowed to be substituted by his relief agent after 6 p.m.

(Inserted by Ord. 3 of 2016)

Taking of poll and the ballot

39. (1) The poll shall be taken in each electoral district by secret ballot in accordance with sections 43 to 49.

(2) Where the manual voting system is used, the ballot of each voter, in the case of election of members for the electoral districts, is to be a printed paper in the form set out as Form No. 17 in Schedule 1 (in this Ordinance called a ballot paper) in which the names, occupations, residences and voting symbols (if any) of the candidates alphabetically arranged in the order of their surnames and numbered accordingly must be printed exactly as they are set out in the nomination paper.

(Substituted by Ord. 31 of 2016 and Amended by Ord. 29 of 2020)

(3) Where the manual voting system is used, the ballot of each voter, in the case of election of members for the all Islands district, is to be a printed paper in the form set out as Form No. 18 in Schedule 1 (in this Ordinance called a ballot paper) in which the names of the political parties in alphabetical order, followed by the independent candidates and the names, occupations and voting symbols (if any) of the candidates alphabetically arranged in the order of their surnames and numbered accordingly must be printed exactly as they are set out

in the nomination paper. (*Inserted by Ord. 31 of 2016 and Amended by Ord. 29 of 2020*)

(3A) Where the electronic tabulating system is used, the ballot of each voter shall be a printed paper in the form set out as Form No. 18A (in this Ordinance called “a ballot paper”)—

- (a) in the case of election of members for the electoral districts, the electoral district, in which the names, occupations, residences and voting symbols (if any) of the candidates, alphabetically arranged in the order of their surnames and numbered accordingly shall be printed exactly as they are set out in the nomination paper; and
- (b) in the case of election of members for the all Islands district, in which the names of the political parties in alphabetical order, followed by the independent candidates and the names, occupations and voting symbols (if any) of the candidates alphabetically arranged in the order of their surnames and numbered accordingly must be printed exactly as they are set out in the nomination paper.

(*Inserted by Ord. 29 of 2020*)

(4) Each ballot paper is to have a number printed on the back and is to have attached to it a counterfoil with the same number printed on the back, and there is to be a line of perforations between the ballot paper and the counterfoil.

(5) The Supervisor shall, by notice published in the *Gazette*, designate the colour on which the ballot paper is to be printed.

(*Inserted by Ord. 3 of 2016*)

(6) The ballot papers for the all Islands district must be printed on paper of a different colour from that used for ballot papers for the other electoral districts.

(7) The paper on which the ballot paper is printed must also contain a security marking or device, such as a watermark.

(8) The paper on which the ballot paper is printed must not be of a colour associated with a political party.

(9) No political party or independent candidate may associate itself or himself with a colour designated by the Supervisor as the colour of the paper on which the ballot paper is to be printed.

(10) A voting symbol allotted by the Supervisor under section 28 shall be inserted in the appropriate place on Form No. 17 and Form No. 18:

Provided that where no symbol is allotted for an independent candidate, the word “Independent” or “IND” shall be inserted in the place opposite the candidate’s name. (*Amended by Ord. 31 of 2016*)

Priority voting at general election

39A. (1) The Supervisor may, on the day of taking a poll, give the following persons priority in voting—

- (a) if the voter is 70 years or older;

- (b) if the voter has a physical incapacity or blindness;
- (c) if the voter being a police officer, doctor, nurse or emergency medical technician is required to be working on polling day;
- (d) if the voter is a person serving a sentence of imprisonment who is qualified to vote;
- (e) in the midst of a pandemic, if the voter has tested positive to a disease or has been placed under quarantine by order of the Chief Medical Officer; or
- (f) if a voter is a candidate in the election.

(2) For the avoidance of doubt, “priority” means affording the persons listed at subsection (1) to vote without entering a queue, or allocating a certain time, on polling day, when these persons may vote, as the Supervisor may determine.

(Inserted by Ord. 29 of 2020)

Inspection of polling station

40. Each Presiding Officer shall, on or before the day fixed for taking the poll, visit the polling station and see that it is provided with proper conveniences as aforesaid for taking the poll.

Where voter shall vote

41. (1) A person is not entitled to vote in a polling division unless his name appears on the official list of voters for the electoral district in which the polling division is situated.

(2) Every person whose name appears upon the official list of voters for an electoral district is entitled to vote in that electoral district notwithstanding that he is not resident in that electoral district upon polling day:

Provided, however, that no person may vote in more than one electoral district or at more than one polling station in the same electoral district or more than once in the same electoral district on the same day.

(3) In a case where there is on the same day an election for the all Islands district and an election for another district, the proviso to subsection (2) applies separately in respect of each election.

(4) A person who contravenes this section commits an offence and is liable on summary conviction in respect of each contravention to a fine of \$2,000 or to imprisonment for a term of six months, or to both.

Restriction of voting

42. (1) In an election for a member of the House of Assembly to represent one of the ten electoral districts established by section 45(2)(b) of the Constitution a person must vote for only one candidate. *(Amended by Ord. 29 of 2020)*

(2) In an election for a member or members of the House of Assembly to represent the all Islands district, a person may vote—

- (a) in a general election, for not more than five candidates; and
- (b) in a by-election, for not more than the number of candidates that equals the number of vacancies.

Use of Manual and electronic tabulating system

42A. The manual voting system or electronic tabulating system may be used for general elections or in any other election under this Ordinance.

(Inserted by Ord. 29 of 2020)

Testing of electronic tabulating system

42B. (1) Where the electronic tabulating system is to be used for general elections, on any day not more than ten days prior to the advance poll of an election day, the Supervisor shall conduct the testing of the electronic tabulating system to ascertain that the machine will be without error and count the votes cast for each candidate and on all measures.

(2) A public notice of the time and place for the testing of the electronic tabulating system under subsection (1) shall be provided by the Supervisor at least forty-eight hours prior to such testing, by publication or announcement in designated media services of general circulation in the Islands.

(3) Upon testing of the electronic tabulating system the Supervisor shall certify the accuracy of the test and such test shall be open to representatives of political parties, members of the press and the general public.

(4) Where any error is detected upon the testing of the electronic tabulating system, the cause for such error shall be ascertained and corrected, and an errorless count shall be made before the electronic tabulating system is approved for use in the election.

(5) For the purposes of this section the electronic tabulating system shall be tested with or without the use of electricity.

(Inserted by Ord. 29 of 2020)

Proceedings at general poll: manual voting system *(Substituted by Ord. 29 of 2020)*

43. (1) At the time fixed for the opening of the poll the Presiding Officer and the poll clerk must, in the presence of such of the candidates, their agents and the voters as are present—

- (a) open the ballot box; and
- (b) ascertain that there are no ballot papers or other papers in it.

(2) Having done so, the Presiding Officer must—

- (a) secure the ballot box either by locking it and keeping safe the key or attaching to the box such other device as is mentioned in section 35(2); and
- (b) place the box on a table in full view of all present.

(3) The ballot box must be kept in that place until the close of the poll.

(4) Immediately after the ballot box is locked or otherwise secured closed and placed on the table, the Presiding Officer must call on the voters to vote.

(5) The Presiding Officer must—

- (a) secure the admittance of every voter to the polling station (subject to section 44(1)); and
- (b) ensure that they are not impeded or molested at or about the polling station.

Proceedings at general poll: electronic tabulating system

43A. (1) Where the electronic tabulating system is used, the process under section 43 shall apply, subject to the necessary modifications as set out in this section.

(2) At the time fixed for the opening of the poll the Presiding Officer and the poll clerk must, in the presence of such candidates, their agents and the voters as are present, unlock the electronic tabulating machine to confirm that there are no ballot papers or other papers inside the ballot box attached to the machine.

(3) After the Presiding officer and poll clerk have confirmed that there are no ballot papers or other papers under subsection (2), the Presiding Officer shall in the view of the candidates, their agents and the voters present—

- (a) lock the machine and ensure the machine shall remain locked and in full view of all present until the close of the poll;
- (b) secure the ballot box attached to the machine either by locking it and keeping safe the key or attaching to the box such other device as is mentioned in section 35(2);
- (c) verify and record the serial number of the machine delivered to the polling station on a form supplied by the returning officer;
- (d) verify that the public count is zero on each machine;
- (e) verify the accuracy of the date and time on the machine;
- (f) confirm that each machine is open for voting or counting, as applicable; and
- (g) correctly insert the media stick into the machine;
- (h) record the serial number of the media stick referred to in paragraph (g) on the form supplied by the returning officer in paragraph (c), which form shall be dated and initialled by the Presiding Officer and the agents present;
- (i) at a minimum, cause each machine to generate a report for written confirmation that the public count on each machine is zero and the Presiding Officer, poll clerk and candidates or agents present shall sign the report; and
- (j) insert the report into a designated pouch and store in a secure location to be returned with elections materials.

(4) The Presiding Officer must—

- (a) secure the admittance of every voter to the polling station (subject to section 44(1)); and
- (b) ensure that they are not impeded or molested at or about the polling station.

(Inserted by Ord. 29 of 2020)

Persons who are to be admitted within polling stations

44. (1) The Presiding Officer shall—

- (a) keep order at his polling station and regulate the number of voters to be admitted at a time; and
- (b) exclude all other persons except the persons permitted to remain in the polling station by section 50.

(2) The agents for the candidates shall be posted in such a place that they can see each person who presents himself as a voter and hear his name as given in by him, but so that they cannot see how any voter votes; and they shall not interfere in the proceedings save in so far as they may be allowed by this Ordinance.

(3) If a person persists, after being warned, in disobeying the directions of the Presiding Officer given with a view to keeping order at the polling station or in acting in contravention of this section, it shall be lawful for the Presiding Officer to cause him to be removed from the polling station.

General mode of taking ballot: manual voting system

45. (1) Where the manual voting system is used, when a voter enters the polling station the following procedure applies—

- (a) the voter must declare his name, address, occupation and date of birth;
- (b) the poll clerk must ascertain if the name of the voter appears on the official list of voters used at the polling station;
- (c) the voter must present his electoral registration card;
- (d) if the polling station is equipped with a device for reading the electoral registration card, the poll clerk must use the device to verify the authenticity of the card and record on the card that the voter is voting at the election;
- (e) the voter is to be allowed to vote unless an election officer or agent of a candidate present at the polling station asks for the voter first to be sworn;
- (f) if paragraph (e) applies the voter must be allowed to vote on taking the oath or affirming (as the case may be).

(2) The poll clerk must proceed to enter information in the poll book in the appropriate column as follows—

- (a) the voter's name, address, occupation, date of birth and a number corresponding to the number allotted to the voter on the official list of voters;

- (b) as soon as the voter has placed his ballot paper in the ballot box, mark that the voter has voted;
 - (c) if an oath or affirmation has been administered to the voter, record the nature of the oath or affirmation;
 - (d) if the voter has refused to take an oath or affirm when lawfully required to do so, record that fact;
 - (e) if the voter has refused to answer any question lawfully required of the voter, record that fact.
 - (3) Each voter shall receive from the Presiding Officer a ballot paper.
 - (4) The Presiding Officer shall—
 - (a) instruct the voter how to make his mark;
 - (b) properly fold the voter’s ballot paper; and
 - (c) direct him to return it, when marked, folded as shown.
 - (5) The Presiding Officer must not enquire or see for whom the voter intends to vote.
 - (6) When the voter receives the ballot paper—
 - (a) he shall enter one of the polling compartments in the polling station and there secretly mark his ballot paper by marking with a black lead pencil, and not otherwise, a cross within the space opposite the name of the candidate for whom he intends to vote;
 - (b) he shall then fold the ballot paper as directed and show the paper to the Presiding Officer (without handing it to him), so as to show the numbers appearing on the ballot paper; and
 - (c) the Presiding Officer shall, without taking the ballot paper, ascertain by looking at the numbers appearing on the ballot paper, that it is the same paper as that delivered to the voter and, if it is the same, the voter shall place the ballot so folded in the ballot box.
 - (7) A voter who has inadvertently dealt with the ballot paper delivered to him such that it cannot conveniently be used shall return it to the Presiding Officer who shall—
 - (a) cancel it by writing or stamping the word “Spoiled” across its face; and
 - (b) deliver another ballot paper to the voter.
 - (8) Every voter shall vote without undue delay and shall leave the polling station as soon as his ballot paper has been put into the ballot box.
 - (9) Before the coming into force of section 25, for paragraphs (c) and (d) of subsection (1) substitute—
 - “(c) the voter must produce his passport, driver’s licence or such other official form of picture identification as will enable the Presiding Officer to confirm the voter’s identity;

- (d) the Presiding Officer shall require the voter to have his finger to be marked with ink or a dye and shall not allow the voter to vote if the voter refuses to have his finger so marked;”.

(Substituted by Ord. 29 of 2020)

General mode of taking ballot: electronic tabulating system

45A. (1) Where the electronic tabulating system is used, the process under section 45 shall apply, subject to the necessary modifications as set out in this section.

(2) Each voter shall receive from the Presiding Officer a ballot paper in the form set out as Form No. 18A set out in Schedule 1.

(3) The Presiding Officer shall—

- (a) instruct the voter how to make his mark which shall be by shading the designated oval sign; and
- (b) direct the voter to insert the ballot paper in the electronic tabulating system.

(4) When the voter receives the ballot paper—

- (a) he shall enter one of the polling compartments in the polling station and there secretly mark his ballot paper by shading the oval sign with a pen provided for that purpose, within the space opposite the name of the candidate for whom he intends to vote; and
- (b) as directed by the Presiding Officer insert the ballot paper in the electronic tabulating system.

(5) A voter who has inadvertently dealt with the ballot paper delivered to him such that it cannot conveniently be used shall return it to the Presiding Officer who shall—

- (a) cancel it by writing or stamping the word “Spoiled” across its face; and
- (b) deliver another ballot paper to the voter.

(6) Every voter shall vote without undue delay and shall leave the polling station as soon as his ballot paper has been put into the electronic tabulating system.

(7) An electronic poll book shall be used to enter the voter’s details as specified in section 45.

(Inserted by Ord. 29 of 2020)

Close of poll: voters still to vote

46. (1) Subsection (2) applies if at the closing of the poll there are voters who are qualified to vote and have not been able to do so since their arrival at the polling station and who—

- (a) are inside the polling station; or

(b) having presented themselves at the polling station, are outside it in accordance with the Presiding Officer's decision to regulate the number of voters admitted under section 44(1).

(2) The poll must be kept open a sufficient time to enable voters described in subsection (1), and only such voters, to vote.

Questions which may be put to a voter

47. (1) The Presiding Officer may, and shall if requested by a candidate or his agent, put to the voter the following questions—

(a) "Are you the same person whose name appears as A.B. on the official list of voters now in force for the polling division?";

(b) "Have you already voted at this election either here or elsewhere?".

(2) The Presiding Officer must not give a ballot paper to a person who—

(a) refuses to answer either question;

(b) answers question (a) in the negative;

(c) answers question (b) in the positive.

(3) If a person knowingly makes a false statement in answer to any such question, he commits an offence and is liable on summary conviction to a fine of \$1,000 or to imprisonment for a term of six months, or to both.

Mode of taking ballot in special cases

48. (1) Subject to the provisions of this Ordinance as to proof of qualifications as a voter, and as to the administration of oaths, if a person representing himself to be a particular voter applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity in the form set out in Form No. 19 in Schedule 1 and otherwise establishing his identity to the satisfaction of the Presiding Officer.

(2) In such case, the Presiding Officer shall put on the ballot paper, a number corresponding to the number allotted to the voter on the official list of voters and entered in the poll book or electronic poll book opposite to the name of such voter, and the poll clerk shall enter in the poll book or electronic poll book in the appropriate column of the entry relating to the voter—

(a) a note of the person having voted on a second ballot paper issued under the same name;

(b) the fact of the oath of identity having been required and taken and the fact of any other oaths being so required and taken; and

(c) any objections made on behalf of any candidate, and of which candidate.

(3) The Presiding Officer, on the request of a voter who is unable to mark his ballot by reason of incapacity from a physical cause, blindness or by reason of illiteracy, or who is unable from voting in the manner prescribed by this Ordinance, may on the request of the voter who is accompanied by a friend who

is a voter in the same electoral district as the voter, permit the friend to accompany the voter into the voting compartment and mark the voter's ballot paper for him.

(4) In a case where subsection (3) applies—

- (a) the Presiding Officer must satisfy himself as to the identity of the friend;
- (b) before accompanying the voter into the voting compartment, the friend must take an oath in the form set out in Form No. 20 in Schedule 1; and
- (c) a person must not act as a friend to more than one voter.

(5) Whenever a voter has had his ballot paper marked as provided in subsection (3), the poll clerk (in addition to any other requisite entry) shall enter in the poll book or electronic poll book in the appropriate column of the entry relating to the voter—

- (a) the reason why such ballot paper was so marked; and
- (b) record the name, occupation and address of the friend.

(Substituted by Ord. 29 of 2020)

Who may vote

49. (1) This section applies if the official list of voters contains a name, address, occupation and date of birth which corresponds so closely with the name, address, occupation and date of birth of a person by whom a ballot paper is demanded as to suggest that the entry in such list of voters was intended to refer to him. *(Amended by Ord. 29 of 2020)*

(2) The person shall, upon taking the oath in the form set out as Form No. 21 in Schedule 1 and complying in all other respects with this Ordinance be entitled to receive a ballot paper and to vote.

(3) The name, address, occupation and date of birth shall be correctly entered in the poll book or electronic poll book, and the fact that the oath has been taken shall be entered in the appropriate column of the entry relating to the voter in that poll book or electronic poll book. *(Substituted by Ord. 29 of 2020)*

Who may be present

50. (1) Each of the following is entitled to remain in the polling station during the time the poll remains open—

- (a) the Presiding Officer and the poll clerk;
- (b) the Supervisor;
- (c) the returning officer of the electoral district;
- (d) the candidates;
- (e) one agent for each candidate;
- (f) a person to whom subsection (7) applies.

(2) Despite subsection (1), a candidate and his agent must not remain in the same polling station at the same time.

(3) A police officer on duty is not permitted to enter a polling station unless—

- (a) a breach of the peace or other violent disorder breaks out; or
- (b) he is requested to do so by the Presiding Officer.

(4) The agent of each candidate, on being admitted to the polling station, shall take an oath in the form set out as Form No. 22 in Schedule 1 to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

(5) Agents of candidates may, with the permission of the Presiding Officer, absent themselves from and return to the polling station at any time before one hour prior to the close of the poll.

(6) In the application of this section to an election for members to represent the all Islands district, references to the agent of a candidate are to be construed as references to the agent for all candidates standing in the name of the same political party.

(7) This subsection applies to a person if the Supervisor, in writing addressed to the Presiding Officer, permits the person to visit and remain in the polling station, namely—

- (a) a person appointed as an election observer; or
- (b) such other person as the Supervisor thinks fit.

Maintenance of order at polling station

51. (1) During the hours when the poll is open, a person who is not within subsection (2) must not assemble or congregate with others in the area having a radius of 150 yards from the outer walls of any building in which a polling station is situated.

(2) A person is within this subsection if he is—

- (a) a voter waiting to poll his vote at the polling station and who obeys any instructions which may be given by the Presiding Officer or poll clerk or a police officer for the purpose of forming a queue with the other voters also waiting; or
- (b) a person who may by virtue of this Ordinance lawfully enter or remain in the polling station.

(3) Subsection (2)(b) does not apply to—

- (a) a candidate, unless the candidate is waiting to vote or to relieve his agent; or
- (b) an agent, unless the agent is waiting to vote or to relieve the candidate whose agent he is.

(4) During the hours when the poll is open, a person must not enter or remain in a polling station with any electronic communication equipment or device.

(5) Subsection (4) does not apply to an official mentioned in section 50(1)(a) to (c).

(6) During the hours when the poll is open, a person must not, while within the area mentioned in subsection (1) wear or exhibit on his person any symbol or device which promotes or is associated with a political party.

(7) If a person posts or causes to be posted a sign which advertises or promotes a political party or individual candidate within view of a polling station, the person must remove the sign not later than midnight on the day before the poll.

(8) During the hours when the poll is open, an election official must not wear or exhibit on his person any colour which is associated with a political party.

(9) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of \$1,000 or to imprisonment for a term of six months, or to both.

Interrupted elections

52. (1) Where the proceedings at a polling station are interrupted or obstructed by riot or open violence, flood, fire, outbreak of pestilence or other calamity, the Presiding Officer shall adjourn the proceedings until the following day and shall forthwith give notice to the returning officer.

(2) Where the poll is adjourned at a polling station the hours of polling on the day to which it is adjourned shall be the same as for the original day.

Influencing of voters to vote for any candidate

53. (1) During the hours that the poll is open no person shall upon any public road or in any public place seek to influence any voter to vote for any candidate or to ascertain for what candidate any voter intends to vote or has voted.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$2,000 or to imprisonment for a term of six months, or to both.

Proceedings after poll: manual voting system (*Substituted by Ord. 29 of 2020*)

54. (1) Where the manual voting system is used, after the last voter has voted, the Presiding Officer shall forthwith act in the following order—

(Substituted by Ord. 29 of 2020)

- (a) seal the ballot boxes;
- (b) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus “The number of voters who voted at this election in this polling station is” (stating the number), and sign his name thereto; (*Substituted by Ord. 29 of 2020*)
- (c) count the spoiled ballot papers, if any, place them in the special envelope supplied for the purpose and indicate thereon the number of such spoiled ballot papers and seal it;

- (d) count the unused ballot papers, place them with all the stubs of all used ballot papers in the special envelope supplied for that purpose and indicate thereon the number of such unused ballot papers;
- (e) check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of voters who by reference to the poll book, have voted, in order to ascertain that all ballot papers are accounted for; and *(Amended by Ord. 29 of 2020)*
- (f) record the number of ballot boxes in his possession, the number of ballot papers issued to voters, the number of unused ballot papers, the number of spoiled ballot papers and all other information required in the form set out as Form. No. 21A in Schedule 1. *(Inserted by Ord. 29 of 2020)*

(2) The ballot boxes, envelopes containing the spoiled or unused ballot papers, official lists of voters, poll books and other documents used at the poll shall be delivered to the returning officer. *(Amended by Ord. 29 of 2020)*

(3) The Presiding Officer shall, with the ballot boxes and papers aforesaid, deliver to the returning officer, in the envelope provided for that purpose, the keys of such ballot boxes.

(4) In this section references to a returning officer include references to an assistant returning officer referred to in section 6(2) or (4).

Proceedings after poll: electronic tabulating system

54A. (1) Where the electronic tabulating system is used, after the last voter has voted, the Presiding Officer shall forthwith act in the following order—

- (a) seal the ballot boxes with the seal provided by the Supervisor;
- (b) close the poll on the electronic tabulating system and run the paper tape;
- (c) remove the media stick placing it with the printed report in a designated pouch;
- (d) seal the designated pouch and place it in a second pouch which shall be sealed and thereafter with other elections materials in the designated carrying case;
- (e) verify and document the public count on the relevant machine by verifying that the public counts match the number of votes on the electronic poll book;
- (f) lock and secure the machine and election materials from any physical access to prepare for transportation;
- (g) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon in words the number of such spoiled ballot papers and seal the envelope and initial it;

- (h) count the unused ballot papers, place them in the special envelope supplied for that purpose and indicate thereon in words the number of such unused ballot papers, then seal the envelope and initial it;
- (i) check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of voters whose names appear in the electronic poll book as having voted in order to ascertain that all ballot papers are accounted for; and
- (j) record the number of ballot boxes in his possession, the number of ballot papers issued to voters, the number of unused ballot papers, the number of spoiled ballot papers and all other information required in the form set out in Form No. 21A in Schedule 1 and attach his signature thereto.

(2) The ballot boxes, electronic poll books, envelopes containing the spoiled and unused ballot papers, official list of voters, pouches containing media sticks, reports and other documents used at a polling station shall be delivered to the returning officer.

(3) The Presiding Officer shall, with the ballot boxes and papers aforesaid, deliver to the returning officer, in the envelope provided for that purpose, the keys of such ballot boxes.

(4) In this section references to a returning officer include references to an assistant returning officer referred to in section 6(2) or (4).

(Inserted by Ord. 29 of 2020)

Counting votes: manual voting system *(Substituted by Ord. 29 of 2020)*

55. (1) The votes cast at a polling station must be counted at that polling station.

- (2) On receipt by him of a ballot box, the returning officer, must—
 - (a) take every precaution for its safe keeping and for preventing any person other than himself from having access to it; and
 - (b) seal it under his own seal so that it cannot be opened without the seal being broken, but without effacing or covering any other seals affixed to it.
- (3) After the ballot boxes have been received by the returning officer, they must be opened by him for the counting of votes in the presence of—
 - (a) such of the candidates or their agents as are present or if none of the candidates are present or represented, at least two voters; and
 - (b) such persons to whom section 50(7) applies as are present.
- (4) The returning officer must—
 - (a) record and count the number of votes given to each candidate (allowing the persons mentioned in subsection (3) full opportunity to see the votes but not the official number on the back of the ballot paper); and

(b) reject all ballot papers—

(i) which do not contain the security mark;

(ii) *(Repealed by Ord. 29 of 2020)*

(iii) which have not been marked for any candidate;

(iv) on which, in the case of an electoral district which is not the all Islands district, votes have been given for more than one candidate;

(v) on which, in the case of the all Islands district, votes have been given for more candidates than there are vacancies to be filled; and

(vi) on which there is any writing or mark by which the voter could be identified.

(5) The returning officer must also reject a ballot paper if the markings made by the elector do not make the elector's intentions clear.

(6) A poll clerk and not less than two witnesses are to be supplied with tally sheets upon which they may keep their own scores as each vote is called out by the returning officer.

(7) All the ballot papers not rejected by the returning officer shall be counted and a list shall be kept of the number of votes given to each candidate and of the number of rejected ballot papers (manual voting system). *(Amended by Ord. 29 of 2020)*

(8) In the case of an electoral district where there is more than one polling station, the returning officer must record the number of votes cast for each candidate at that polling station.

(9) In the case of an election for the all Islands district, the assistant returning officer must record the number of votes cast for each candidate at the polling station for which he is appointed.

(10) All ballot papers which have been counted shall be put into an envelope and all rejected ballot papers (manual voting system) shall be put in a separate envelope and all such envelopes shall be sealed by the returning officer and by such agents as may desire to seal them or sign their names thereon in addition. *(Amended by Ord. 29 of 2020)*

(11) In the case of an election in an electoral district where there is more than one polling station, the following must be transmitted to the returning officer at the polling station designated for the purpose by the returning officer as the principal polling station—

(a) the envelopes containing the counted ballot papers and rejected ballot papers (manual voting system); *(Amended by Ord. 29 of 2020)*

(b) the official lists of voters, poll books and other documents used at the poll; and *(Amended by Ord. 29 of 2020)*

(c) the returning officer's record of the number of votes cast for each candidate.

(12) In the case of an election in the all Islands electoral district, the following must be transmitted to the returning officer at the central location or such other place as the returning officer may specify in writing—

- (a) the envelopes containing the counted ballot papers and rejected ballot papers (manual voting system); (*Amended by Ord. 29 of 2020*)
- (b) the official lists of voters, poll books and other documents used at the poll; and (*Amended by Ord. 29 of 2020*)
- (c) the assistant returning officer's record of the number of votes cast for each candidate.

(13) Any of the candidates or their agent who is not satisfied with the accuracy of the count may, on completion of the count—

- (a) in the case of an election for an electoral district where there is only one polling station, immediately demand a recount which shall thereupon be carried out in the same manner as the original count;
- (b) in the case of an election for an electoral district where there is more than one polling station, at the polling station designated pursuant to subsection (11) as the principal polling station, demand a recount which shall thereupon be carried out in the same manner as the original count; or
- (c) in the case of an election for the all Islands district, at the central location, demand a recount which shall thereupon be carried out in the same manner as the original count:

Provided that no candidate may demand such a recount more than once at any election.

(13A) A request for a recount made under subsection (13) may be made in the form set out as Form No. 22A in Schedule 1. (*Inserted by Ord. 29 of 2020*)

(14) In the case of an election for the all Islands district in which there is more than one vacancy, the several candidates equalling the number of vacancies who on completion of the count are found each to have a larger number of votes than the other candidates shall then be declared by the returning officer to be elected as the members for the all Islands district.

(15) In the case of—

- (a) an election for an electoral district which is not the all Islands district; or
- (b) a by-election for the all Islands district in which there is only one vacancy,

the candidate who on completion of the count is found to have the largest number of votes shall then be declared by the returning officer to be elected as the member for the electoral district.

(15A) A declaration of the outcome of the poll made by the returning officer in subsections (14) and (15) shall be made publicly and the results thereof shall be displayed at each polling station. (*Inserted by Ord. 29 of 2020*)

(16) Whenever after counting (including a recount) there is an equality of votes between two or more candidates and the addition of one vote would entitle one of the candidates to be declared elected, the returning officer must decide between the candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

(17) A recount demanded by an agent binds the candidate.

(18) In subsections (2) to (7) and (10) a reference to the returning officer includes a reference to an assistant returning officer referred to in section 6(2) or (4).

Counting of votes: electronic tabulating system

55A. (1) Where the electronic tabulating system is used, the votes cast at a polling station must be counted at that polling station.

(2) As soon as the ballot boxes from the polling stations have been received—

(a) the returning officer shall, in the presence of the candidates or their agents that are present, and if the candidates or any of them are absent, then in the presence of those present, and of at least two voters if none of the candidates is represented—

(i) examine the ballot boxes, and envelopes received from each polling station one at a time, ensuring that the seals thereon are securely affixed;

(ii) count and record the number of ballot boxes and envelopes received from each polling station, ensuring that all ballot boxes and envelopes are accounted for in accordance with the form set out as Form No. 21A in Schedule 1;

(iii) record the number of votes, including in the case of the all islands district, those blanks contained in ballot papers that reflect unmarked ballots in accordance with the form set out as Form No. 21A in Schedule 1; and

(b) in the presence of the candidates or their agents that are present, and if the candidates or any of them are absent, then in the presence of those present, and of at least two voters if none of the candidates is represented, the electronic tabulating system will reject all ballot papers—

(i) which have not been marked for any candidate;

(ii) on which votes have been given for more than the number of candidates to be selected for the electoral district and the all islands district; or

(iii) on which more than one vote has been cast for any one candidate.

(3) In the case of an electoral district where there is more than one polling station, the returning officer must record the number of votes cast for each candidate at that polling station.

(4) In the case of an election for the all Islands district, the assistant returning officer must record the number of votes cast for each candidate at the polling station for which he is appointed.

(5) All ballot papers which have been counted shall be put into an envelope and all rejected ballot papers shall be put in a separate envelope and all such envelopes shall be sealed by the returning officer and by such agents as may desire to seal them or sign their names thereon in addition.

(6) In the case of an election in an electoral district where there is more than one polling station, or in the case of an election in the all Islands electoral district, the following must be transmitted to the returning officer at the central location designated for counting—

- (a) the envelopes containing the counted ballot papers and rejected ballot papers;
- (b) the official lists of voters, electronic poll books and other documents used at the poll; and
- (c) the returning officer's record of the number of votes cast for each candidate.

(7) Any of the candidates or their agent who is not satisfied with the accuracy of the count may, on completion of the count, by completing the form set out as Form No. 22A in Schedule 1, immediately demand a recount at the following places—

- (a) in the case of an election for an electoral district where there is only one polling station, at that polling station;
- (b) in the case of an election in an electoral district where there is more than one polling station, or in the case of an election in the all Islands electoral district, at the central location designated for counting.

(8) No candidate may demand a recount more than once at any election.

(9) Where a recount has been demanded in terms of subsection (7), the returning officer shall proceed to recount the votes to ascertain the result of the poll by use of manual recount of the votes.

(10) Section 55(14), (15), (16) and (17) shall apply to this section.

(11) In subsection (5) a reference to the returning officer includes a reference to an assistant returning officer referred to in section 6(2) or (4).

(Inserted by Ord. 29 of 2020)

The count: ballot paper irregularities

56. (1) A ballot paper must not be rejected under section 55(4)(b)(iii) on account of any writing, number or mark placed on it by a Presiding Officer.

(2) A ballot paper must not be rejected only because a vote is marked as mentioned in any of paragraphs (a) to (d) if it is clear that the vote is intended to be for one of the candidates, namely—

- (a) elsewhere than in the proper place;
- (b) otherwise than with a black lead pencil;

(c) otherwise than by means of a cross;

(d) by more than one mark.

(3) Subsection (2) does not apply if the way the paper is marked identifies the voter or enables him to be identified.

(4) *(Repealed by Ord. 29 of 2020)*

(5) *(Repealed by Ord. 29 of 2020)*

(6) The returning officer shall keep a record of every objection made by a candidate or his counting agent or any voter present, to any ballot paper found in a ballot box, and shall decide every question arising out of the objection.

(7) The decision of the returning officer is final, subject to reversal on petition questioning the election return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper .

(Amended by Ord. 29 of 2020)

Election Return

57. (1) This section shall apply to an election where either the manual voting system or electronic tabulating system has been used.

(2) The returning officer, within the time specified for the return of any writ, shall forward to the Supervisor—

(a) the writ with his return, in the form set out as Form No. 23 in Schedule 1, endorsed thereon with the name of the candidate declared to be elected in accordance with section 55(14) to (16) or section 55A(10).

(b) a report of his proceedings showing the number of votes cast for each candidate at each polling station, and making such observations as the returning officer may think proper as to the state of the election papers as received from the Presiding Officer;

(c) where a manual voting system is used, the number of persons to whom it appears from the counterfoils that ballot papers have been supplied in the electoral district;

(d) where an electronic tabulating system is used, a statement of the number of persons to whom, it appears from the electronic poll book and electronic tabulating system have been supplied in the electoral district;

(e) the reserve supply of undistributed blank ballot papers;

(f) where a manual voting system is used—

(i) the poll book used at each polling station;

(ii) a packet containing the counterfoils and unused ballot papers;

(iii) a packet containing the ballot papers cast for the several candidates;

(iv) a packet containing the spoiled ballot papers;

- (v) a packet containing the rejected ballot papers (manual voting system);
 - (g) where the electronic tabulating system is used—
 - (i) the electronic poll book used at each polling station;
 - (ii) a packet containing the unused ballot papers;
 - (iii) a packet containing the spoiled ballot papers; and
 - (iv) a packet containing the rejected ballot papers (electronic tabulated system); and
 - (h) the written appointments of candidates' agents and all other documents used for the election.
- (2) The Supervisor shall, on receiving the return of any member elected to serve in the House of Assembly cause it to be entered, in the order in which such return is received by him, in a book to be kept by him for such purposes.
- (3) The Supervisor shall cause to be published in the *Gazette* a notice of the names of the candidates elected at the election.
- (4) The Supervisor shall, on receiving the return of any member elected to serve in the House of Assembly, transmit the writ with the return endorsed thereon to the Governor within the time specified in such writ.
- (5) The Governor shall on receipt of the writ in terms of subsection (4), within seven days of receipt of the said writ, return the same to the Supervisor for safe custody in accordance with section 58.
- (6) The Supervisor shall immediately after each general election cause to be printed a report giving, by polling divisions—
- (a) the number of votes polled for each candidate;
 - (b) the number of rejected ballot papers for both the manual voting system and the electronic tabulating system; and
 - (c) the number of names on the official list of voters together with any other information that he may deem fit to include.
- (7) The Supervisor shall before the end of each year, cause to be printed a similar report to that in subsection (6) on the by-elections held during the year.
- (8) A returning officer shall forfeit to the person aggrieved the sum of \$500 and costs in addition to all damages sustained if—
- (a) the returning officer wilfully delays, neglects or refuses duly to return a person who ought to be returned to serve in the House of Assembly for an electoral district; and
 - (b) it has been determined on the hearing of an election petition respecting the election for such electoral district that the person was entitled to have been returned.

(Substituted by Ord. 29 of 2020)

Custody of election documents

58. (1) The Supervisor shall keep the election documents referred to in section 57(1) in safe custody and shall allow no person to have access to them:

Provided that—

- (a) if an election petition has been presented questioning the validity of any election or return, the Supervisor shall, on the order of a Judge of the Supreme Court, deliver to the proper officer of that court the documents relating to the election that is in dispute; and
- (b) after the expiration of twelve months from the day of any election, it shall be lawful for the Supervisor to cause the said documents used at such election to be destroyed.

(2) No such election documents in the custody of the Supervisor shall be inspected or produced except on the order of a Judge of the Supreme Court. An order under this section may be made by the Judge upon his being satisfied by evidence on oath that the inspection or production of such election documents is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election or for the purpose of a petition which has been filed questioning an election or return.

(3) Any such order for the inspection or production of election documents may be made subject to such conditions as to persons, time, place and mode of inspection or production as the Judge deems expedient.

Custody of ballot boxes

59. Forthwith upon making the return of the writ in accordance with section 57, the returning officer shall cause the ballot boxes used at such election, with their locks and keys and the screens and other appliances used in the polling station to be transmitted or delivered to the Supervisor.

PART IV

ELECTION PETITIONS

Petitions against elections

60. A petition complaining of the undue election or undue return of a member of the House of Assembly (in this Ordinance called an election petition) may be presented to the Supreme Court in accordance with section 53 of the Constitution.

Presentation of election petition and security costs

61. The following provisions shall apply with respect to the presentation of an election petition—

- (a) the petition shall, subject to paragraph (b), be presented within seven days after the return made by the returning officer of the member to whose election the petition relates;
- (b) a petition that questions the return or election upon an allegation of corrupt practices and specifically alleges a payment of money

or other reward to have been made by any member, or on his account, or with his privity, since the time of such return, in pursuance of or in furtherance of such corrupt practices, may be presented at any time within fourteen days after the date of the petitioner having become aware of the making of such payment;

(c) at the time of presentation of the petition, or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner—

(i) to any person summoned as a witness on his behalf; or

(ii) to the member whose election or return is complained of, or to any other person named as a respondent in the petition,

shall be given by or on behalf of the petitioner;

(d) the security shall be to an amount of \$1,000 and shall be given by recognizance to be entered into by such sureties not exceeding four in number as the Registrar of the Supreme Court may approve, or by deposit of money in the Supreme Court, or partly in one way and partly in the other.

Avoidance of election of candidate certified guilty of corrupt or illegal practice

62. If a candidate who has been elected is certified by the Judge who tried the election petition questioning the return or election of such candidate to have been personally guilty or guilty by his agents of any corrupt or illegal practice his election shall be void.

Avoidance of election for general corruption, etc.

63. Where on an election petition it is shown that corrupt or illegal practices or illegal payments or employments committed in reference to the election for the purpose of promoting or procuring the election of any person thereat have so extensively prevailed that they may be reasonably supposed to have affected the result, the Judge shall certify that the election of that person, if he has been elected, shall be void and he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.

Trial of election petitions

64. (1) Every election petition shall be tried in the same manner as an action in the Supreme Court by the Judge sitting alone.

(2) At the conclusion of the trial the Judge shall determine whether the member of the House of Assembly whose return of election is complained of or any, and what, other person was duly returned and elected, or whether the election was void, and shall certify such determination to the Governor and, upon his certificate being given, such determination shall be final. The return shall be confirmed or altered, or a writ for a new election issued, as the case may require, in accordance with such determination.

(3) If the Judge determines that an election was void and a writ for a new election is issued, that election is deemed to be held as a part of the last general election held preceding the issue of the writ.

Powers of Judge

65. At the trial of an election petition the Judge shall, subject to this Ordinance, have the same powers, jurisdiction and authority, and witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in the trial of a civil action in the Supreme Court, and such witnesses shall be subject to the same penalties for perjury.

PART V

ELECTION OFFENCES

Intoxicating liquor not to be sold or given on polling day or at political meetings

66. (1) No intoxicating liquor shall be sold, offered for sale, or given away at any premises situate in any electoral district in which an election is being held, to which a licence issued under the Liquor Licensing Ordinance applies, at any time between the opening and the closing of the poll.

(2) No intoxicating liquor shall be sold, offered for sale, or given away at a political meeting.

(3) Subsection (2) applies to a political meeting held in any electoral district between the date of the issue of a writ for the return of a member of the House of Assembly for the electoral district and the date at which a return to the writ is made.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of \$1,000 or to imprisonment for a term of six months, or to both.

Employers to allow employees time

67. (1) Every employer shall, on polling day, allow to every voter in his employ a reasonable period for voting, and no employer shall make any deduction from the pay or other remuneration of any such voter or impose upon or exact from him any penalty by reason of his absence during such period.

(2) Any employer who, directly or indirectly refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any voter in his employ of such period for voting, as is in this section provided, commits an offence and is liable on summary conviction to a fine of \$1,000 or to imprisonment for a term of six months, or to both.

Offences by election officers

68. Every election officer who—

(a) makes, in any record, return or other document which he is required to keep or make under this Ordinance, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true;

(b) permits any person whom he knows or has reasonable cause to believe not to be a blind person, an illiterate person or an

incapacitated person to vote in the manner provided for blind persons, illiterate persons or incapacitated persons, as the case may be;

- (c) refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person, an illiterate person or an incapacitated person to vote in the manner provided for blind persons, illiterate persons or incapacitated persons, as the case may be;
- (d) wilfully prevents any person from voting at the polling station at which he knows or has reasonable cause to believe such person is entitled to vote;
- (e) wilfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with this Ordinance; or
- (f) wilfully counts any ballot paper as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidate,

commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of twelve months, or to both.

Loudspeakers prohibited on polling day

69. (1) A person commits an offence if, on polling day, he carries or uses on a motor car, truck or other vehicle a loudspeaker with the intent that it is used for political propaganda.

(2) A person who commits an offence under this section is liable on summary conviction to a fine of \$1,000 or to imprisonment for a term of six months, or to both.

Definition of bribery

70. (1) The following persons commit bribery within the meaning of this Ordinance—

- (a) every person who, directly or indirectly by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;
- (b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or to procure, or offers, promises, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;

- (c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of the House of Assembly, or the vote of any voter at any election;
 - (d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as an elected member of the House of Assembly or the vote of any voter at any election;
 - (e) every person who advances, or pays or causes to be paid, any money to or to the use of any other person with the intent that such money, or any part of such money, shall be expended in bribery at any election, or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election;
 - (f) every voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election;
 - (g) every person who after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any person to vote or refrain from voting at any such election.
- (2) Nothing in subsection (1) shall extend or be construed to extend to any money paid or agreed to be paid for or on account of any lawful expenses incurred in good faith at or concerning an election.
- (3) For the purpose of this section “lawful expenses” include—
- (a) the payment of the agents, clerks and canvassers of candidates;
 - (b) payments made for the purpose of hiring vehicles for the conveyance of voters to or from a polling station;
 - (c) payments made for the use of any premises for a public meeting in furtherance of the candidature of any person or for the use of any committee room or office for the purpose of promoting or procuring the election of a candidate; and
 - (d) payments made in respect of postage, stationery, printing, advertising, the distribution of advertising material and the use of any public address system.

Definition of treating

71. The following persons commit treating within the meaning of this Ordinance—

- (a) every person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly, gives or provides or pays, wholly or in part, the expenses of giving or providing any food, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person, to vote or to refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election;
- (b) every voter who corruptly accepts or takes any such food, drink, entertainment or provision.

Definition of undue influence

72. A person commits undue influence within the meaning of this Ordinance who, directly or indirectly, by himself or by any other person or on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts, or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter, either to give or refrain from giving his vote at any election.

Penalty for bribery, treating or undue influence

73. (1) A person who commits bribery, treating or undue influence under this Ordinance is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of twelve months, or to both.

(2) The expression “to vote or refrain from voting” and derivatives of that expression in sections 70 to 72 includes voting or refraining from voting for a particular candidate or particular candidates or for candidates of a particular party or particular parties.

Definition of personation

74. (1) A person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person commits personation within the meaning of this Ordinance.

(2) A person who commits personation or who aids, abets, counsels or procures the commission of the offence of personation is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of twelve months, or to both.

Disqualification for bribery, etc.

75. (1) This section applies to a person who is convicted of—
- (a) bribery, treating or undue influence;
 - (b) personation;
 - (c) an offence under section 41 (2) and (4); or

(d) aiding, abetting, counselling or procuring the commission of the offence of personation or an offence under section 41 (2) and (4).

(2) A person to whom this section applies, in addition to any other punishment is, during the period of eight years from the date of the conviction —

- (a) disqualified for being registered as an elector;
- (b) not entitled to vote at an election; and
- (c) disqualified for being a member of the House of Assembly.

(3) If a person appeals against his conviction for an offence referred to in subsection (1), subsection (2) continues to have effect until the appeal is determined.

(4) Unless the conviction is quashed, subsection (2) has effect and the period of eight years must be counted from—

- (a) the date the appeal is determined; or
- (b) if the Court which hears the appeal so directs, the date of conviction.

Penalty for certain illegal practices at elections

76. (1) A person who—

- (a) votes, or induces or procures any person to vote, at any election knowing that he or such other person is prohibited by this Ordinance or by any law in force in the Islands from voting at such election;
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate; or
- (c) between the date of the publication by the returning officer of a notice in accordance with section 27(1) and the day after polling at the election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the House of Assembly,

commits an illegal practice and is liable on summary conviction to a fine of \$2,000 and is incapable, during a period of five years from the date of conviction, of being registered as a voter or of voting at any election.

(2) A person who, between the date of the publication by the returning officer of a notice in accordance with section 27(1) and the day after polling at the election, whether in a general election or in a by-election, incites, combines with or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the House of Assembly—

- (a) commits an illegal practice and is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of one year, or to both; and

- (b) is incapable during a period of five years from the date of conviction, of being registered as a voter or of voting at any election.

Offences in respect of ballot papers

77. (1) A person who—

- (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper;
- (b) without due authority supplies a ballot paper to any person;
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by this Ordinance to put in;
- (d) fraudulently takes out of the polling station any ballot paper;
- (e) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet or ballot papers then in use for the purposes of any election; or
- (f) not being duly registered as a voter, votes at an election,

commits an offence and is liable on summary conviction if he is an election officer, to a fine of \$5,000 or to imprisonment for a term of twelve months, or to both and, if he is not an election officer, to a fine of \$2,500 or to imprisonment for a term of six months, or to both.

(2) In any information or prosecution for an offence in relation to the ballot boxes, ballot papers, and other things in use at an election, the property in such ballot boxes, ballot papers, or things may be stated to be in the custody of the returning officer at such election.

Secrecy of voting

78. (1) Every election officer and every agent appointed under section 37 in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, to any person any information as to the name or number on the official list of voters of any voter who has or has not applied for a ballot paper or voted at that polling station.

(2) No person shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidates for whom any voter in such station is about to vote or has voted.

(3) Every election officer and every agent appointed under section 37 in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not attempt to communicate any information obtained at such counting as to the candidates for whom any vote is given in any particular ballot paper.

(4) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate against whose name he has marked his vote.

(5) A person who acts in contravention of this section commits an offence and is liable on summary conviction to a fine of \$1,000 or to imprisonment for a term of six months, or to both.

False statement on oath

79. (1) A person commits an offence if, having been lawfully sworn under this Ordinance he wilfully makes a statement—
- (a) which he knows to be false in a material particular; or
 - (b) which he does not believe to be true.
- (2) A person who commits an offence under this section is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of twelve months, or to both.

PART VI

MISCELLANEOUS PROVISIONS

No obligation on voter to disclose vote

80. No voter who has voted at an election shall, in any legal proceedings to question the election or return, be required to state for whom he voted.

Conclusiveness of Register of Electors *(Amended by Ord. 29 of 2020)*

81. At any election a person shall not be entitled to vote unless his name is on the Register of Electors for any electoral district for the time being in force by virtue of this Ordinance; and every person whose name is on the Register shall, subject to this Ordinance, be entitled to demand and receive a ballot paper and to vote: *(Amended by Ord. 29 of 2020)*

Provided that nothing in this section shall entitle any person to vote who is prohibited from voting by any law in force in the Islands, or relieve such person from any penalties to which he may be liable for voting.

Expenses of elections

82. All expenses properly incurred by, and all remuneration and travelling allowances payable to officers under this Ordinance, shall be defrayed out of the general revenue of the Islands.

Computation of time

83. (1) In reckoning time for the purposes of this Ordinance, Saturday and Sunday shall be included (except where the words “working days” are used), but Christmas Day, Good Friday and any public holiday shall be excluded.

(2) Where anything required by this Ordinance to be done on any day falls to be done on Saturday or Sunday or on any day excluded by subsection (1), that thing may be done on the next day, not being one of such excluded days.

(3) Section 8 of the Interpretation Ordinance does not apply for the purpose of reckoning time under this Ordinance.

Regulations

84. (1) The Governor may make regulations generally for giving effect to this Ordinance, and may make regulations—

(a) prescribing anything that may be prescribed;

(b) adding to, rescinding, varying or amending any form.

(2) Regulations under this Ordinance may make different provision for different purposes.

SCHEDULE 1

FORMS

FORM NO. 1

(Section 11(2))

“Date received by officer

Time

Officer signature

APPLICATION FOR REGISTRATION AS AN ELECTOR

To the Supervisor of Elections Grand Turk

I

(Given and family names in block capitals)

of.....

(Street address)

Whose occupation is being of the male/female sex do hereby apply to be registered as an elector for the electoral district of and do declare that the following particulars are, to the best of my knowledge and belief, true and correct in all respects.

1. My date of birth is

(Day/month/year)

(I attach documentary evidence to support my claim)

2. My place of birth is

(Place and Country)

3. My proof of identification:

National Turks and Caicos Islands Status Card No

National Health Insurance Card No

National Insurance Card No

Any other form of identification

- 4. I have been resident in the Turks and Caicos Islands since the.....day of20..... for a period or periods amounting to not less than 12 months in aggregate out of the last two (2) years immediately preceding the qualifying date of November 30.
- 5. Postal Address:
- 6. E-mail
- 7. Home Telephone
- 8. Cell
- 9. Place of Employment
- 10. Telephone No.
- 11. Do any of the following apply to you, if so, state which one:
 - (a) Member of Her Majesty’s Forces Yes/No
 - (b) Working abroad on Government business Yes/No
 - (c) Student resident abroad in the prescribed circumstances Yes/No
- 12. Were you serving a sentence of imprisonment for a term of 12 months on the qualifying date Yes/No

Date.....

Signature of applicant

WARNING

The applicant’s attention is drawn to Section 11(6) of the Elections Ordinance which makes it an offence to make a false statement or to submit a document which is false in a material particular or which has been unlawfully altered.

FOR OFFICIAL USE ONLY

Applicant is qualified for registration and his/her name has been placed on the List.

Applicant is not qualified because

.....
.....
.....

Supervisor of Elections

(Substituted by Ord. 29 of 2020)

FORM NO. 1A
(section 12A)

NOTIFICATION OF CHANGE OF PARTICULARS

To the Supervisor of Elections, Grand Turk

I

(Insert full first and surnames in block capitals)

Whose address is

Solemnly and sincerely declare that:

Contact No. Home work other

NAME *(a) on or about the day of 20*delete as applicable

I changed my name from

(Insert full previous names)

to

(Insert new full first name and surnames)

and change of name occurred by reason of – marriage/divorce/a deed poll (other reasons)

namely

(Complete as appropriate)

OR

OCCUPATION *(b) on or about the day of, 20

I changed my occupation from

(Insert previous occupation)

To

(Insert new occupation)

OR

RESIDENCE *(c) on or about the day of, 20

I ceased to reside at

(Insert full street address of previous residence)

In the said electoral district and now reside at

.....

(Insert full street address of new residence)

In the said electoral district

And I hereby apply for such change to be made and entered on the Register of Electors.

Dated this day of, 20

(Month)

(Year)

Signature of Applicant

Signature of Witness

Name of Witness

WARNING

The applicant's attention is drawn to Section 11(6) of the Elections Ordinance which makes it an offence to make a false statement or to submit a document which is false in a material particular or which has been unlawfully altered.

FOR OFFICIAL USE ONLY

Applicant name, occupation and place of residence has been placed on the Register of Electors in accordance with the application.

.....

Supervisor of Elections

(Inserted by Ord. 29 of 2020)

FORM NO. 1B
(Section 12B(2))

APPLICATION FOR TRANSFER OF ELECTORAL DISTRICT

To the Supervisor of Elections, Grand Turk

I [name]

(Insert full first and surnames in block capitals)

of [address]

[occupation]

hereby make application to the Supervisor to have my registration transferred from the electoral district to the electoral district and subscribe my name to the Statement below in certification of the truth of the content thereof.

STATEMENT

I [name] do

solemnly and sincerely declare that—

1. My name appears on the Register of Electors for the electoral district.

2. I have moved my place of residence from [former address] to

[present address] which to the best of my knowledge, information and belief is within the electoral district as the same is defined by the Electoral Districts (Boundaries) Ordinance.

3. I have attached hereto documentation confirming my change of address.

.....

Signature of Applicant

.....

Date

WARNING

The applicant's attention is drawn to Section 11(6) of the Elections Ordinance which makes it an offence to make a false statement or to submit a document which is false in a material particular or which has been unlawfully altered.

FOR OFFICIAL USE ONLY

Applicant name, occupation and place of residence has been placed on the Register of Electors in accordance with the application.

Supervisor of Elections

(Inserted by Ord. 29 of 2020)

FORM NO. 2

(Section 14(1))

OBJECTIONS TO OR ALTERATION OF ENTRIES

A request for the inclusion of any name or the alteration of any entry, or an objection to the inclusion of any other person's name should be submitted to the Supervisor of Elections beforeon a form which he will provide to you.

.....
Supervisor of Elections

FORM NO. 3

(Section 15(1))

NOTICE OF CLAIM

To the Supervisor of Elections

TAKE NOTICE that I

of.....
(Place of residence)

.....
(Occupation)

am qualified for inclusion in the electors list for the electoral district and that my name, address and occupation have been *(omitted from)(wrongly stated in) such list and that I hereby claim that such list be amended *(by the insertion of my name, address and occupation therein)(by the correction of the particulars therein relating to my name, address and occupation), as follows:

Dated this day of..... 20

.....
Signature of Claimant

* Strike out bracketed words if not applicable

FORM NO. 4

(Section 15 (2))

(1) NOTICE OF OBJECTION

To the Supervisor of Elections

TAKE NOTICE that I (Name of Objector)

of (Place of residence)

..... (Occupation)

am qualified for inclusion in the electors list for the electoral district and am so included:

And that I object to the inclusion therein of on the ground that such person is disqualified for inclusion therein by reason of

Dated this day of 20

..... Signature of Objector

(2) NOTICE TO PERSON OBJECTED TO

TO (name of person objected to)

of (address)

I, of being a person whose name is included in the electors list for the electoral district hereby give you notice that I object to your name being retained on the electors list for the electoral district above mentioned on the grounds that

(state grounds)

and that you will be required to prove your qualifications.

..... Signature of Objector

..... Date

FORM NO. 5

Section 15(3)

FORM OF APPOINTMENT OF AGENT

I, (name)
of (address)
say this—

- 1. I am qualified to be registered as an elector in the electoral district of (Give name of electoral district)
2. I expect to be absent from the Islands during the following period of time (Give dates of absence)

In accordance with section 15(3) of the Elections Ordinance, I appoint—
(Give name of agent and address)
to
act for me as my agent for the purpose of making a claim.

Signed :

Witnessed by :

Dated :

FORM NO. 5A

(Section 18(3))

NOTICE OF APPEAL TO ADJUDICATORS

APPEAL #.....

Ibeing registered in
the electoral district for, hereby appeal
against the decision of the Supervisor of Elections made on
....., on a claim of registration or objection* made
against, who is registered in the
electoral district for

The grounds of appeal are:

Appellant's signature

Date

*Select as appropriate

(Inserted by Ord. 29 of 2020)

FORM NO. 6

Section 26(3)

WRIT OF ELECTION

Elizabeth the Second, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To the returning officer of electoral district

WHEREAS by section 26(1) of the Elections Ordinance it is provided that for the purpose of every general election of members of the House of Assembly and for the purpose of the election of members to supply vacancies caused by death, resignation or otherwise, the Governor shall issue writs of election under the Public Seal to the returning officers of the respective electoral districts for which members are to be returned:

*(AND WHEREAS I think it expedient that writs should be issued for the election of members to serve in the House of Assembly:)

(AND WHEREAS the seat of the elected member for the electoral district has become vacant in consequence of)

NOW, THEREFORE, I Governor of the Turks

and Caicos Islands do hereby require that you proceed to the nomination of candidates on the day of 20 at and thereafter, if necessary, you do on the day of20 between the hours of o'clock in the forenoon and o'clock in the afternoon, cause election to be made according to law of a member to serve in the House of Assembly of the Islands for the said electoral district and that you do cause the name of such member when so elected to be certified to me not later than the day of 20

GIVEN under my hand and Public Seal of the Islands this day of 20

.....
Governor

**Strike out bracketed words not applicable.*

FORM NO. 7

Section 27(1)

NOTICE OF NOMINATION

The Governor having issued his Writ of Election for the Election of a member of the House of Assembly for electoral district, the returning officer for the said electoral district will on the day of 20 now next ensuing between the hours of ten o'clock in the forenoon and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon at, proceed to the nomination of a member for the electoral district.

Dated this day of20.....

.....
Returning Officer for the
Electoral District

FORM NO. 8

Section 27(3)

NOMINATION PAPER

We, the undersigned voters for the electoral district do hereby nominate the following person as a proper person to serve as a member of the electoral district and we certify that to the best of our belief he is qualified for election as a member of the House of Assembly.

Surname	Other Name	Address	Occupation	Description (if any) ^(a)

.....
Signatures

I nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as a member of the House of Assembly for the electoral district.

Witness my hand this day of 20.....

.....
Signature of Candidate

Signed by the said nominee in the presence of:

.....
Signature of Witness

I.....nominated in the foregoing nomination paper do swear that I am qualified for election.

.....
Signature of Candidate

Dated this.....day of.....20.....

(a) The description may be either the name of the political party in whose name the nominee intends to stand or the word "Independent"

FORM NO. 9

Section 27(8)

RETURN OF UNCONTESTED ELECTION

I hereby certify that the member elected for electoral district in pursuance of the within Writ is (*insert name, address and occupation of member elected as stated on the nomination paper*) no other candidates having been nominated.

Dated atthis.....day of.....20.....

.....
Returning Officer

FORM NO. 10

Section 27(9)

RETURN OF UNCONTESTED ELECTION (ALL ISLANDS DISTRICT)

I hereby certify that the members elected for electoral district established under section 45(2)(a) of the Constitution in pursuance of the within Writ are (*insert names, addresses and occupations of members elected as stated on the nomination paper*) no other candidates having been nominated.

Dated atthis.....day of.....20.....

.....
Returning Officer

FORM NO. 11

Section 31(2)

NOTIFICATION OF ELECTION

TAKE NOTICE that a poll will be taken for election of a member for the electoral district to serve in the House of Assembly.

The poll will be opened on the day of 20 at the hour of in the forenoon and kept open till the hour of in the afternoon in the following polling stations established in the said electoral district, that is to say:

Location of Polling Stations:

.....

Place of Central location:

The Candidates in the above electoral district are as follows:

Candidates:

.....

.....

The number of votes given to the several candidates will be counted on the day of 20 at o'clock in the noon at at which all persons are hereby required to take notice and govern themselves accordingly.

Dated thisday of.....20.....

.....

Returning Officer for the

Electoral District

FORM NO. 12

Section 6(3)

OATH OF RETURNING OFFICER

I, having been appointed returning officer for the electoral district do swear that I will faithfully perform all the duties of such returning officer in accordance with the Elections Ordinance, to the best of my ability.

.....

Returning Officer

Sworn before me

Date

FORM NO. 13

Section 33(3)

OATH OF PRESIDING OFFICER

I, the undersigned, appointed Presiding Officer for the Polling Station at in the electoral district swear that I will act faithfully in my said capacity of Presiding Officer, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above-mentioned Polling Station marks his ballot paper in my presence at this election.

SO HELP ME GOD!

.....

Presiding Officer

Sworn before me at this day of 20

FORM NO. 14

Section 34(3)

OATH OF POLL CLERK

I, the undersigned, appointed as Poll Clerk for the Polling Station at in the electoral district swear that I will act faithfully in my said capacity of Poll Clerk and also in that of Presiding Officer if required to act as such, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above-mentioned Polling Station marks his ballot paper in my presence at this election.

SO HELP ME GOD!

.....
Poll Clerk

Sworn before me at this day of 20

FORM NO. 15

Section 36(2)(e)

DIRECTIONS FOR THE GUIDANCE OF VOTERS, FOR MANUAL VOTING SYSTEM

1. Each voter may vote only at one polling station.
2. In an election in an electoral district which is not the all Islands district, each voter may vote for one candidate.
(Repealed by Ord. 29 of 2020)
3. In an election for the all islands district—
 - (a) in a general election, each voter may not vote for not more than five candidates; and
 - (b) in a by-election, each voter may not vote for as many candidates as there are vacancies in that district *(Substituted by Ord. 29 of 2020)*
4. The voters will go into one of the compartments and, with the pencil provided in the compartment, place a cross on the right hand side in the case of the electoral district, and on the left hand side, in the case of the All Islands District, opposite the name of each candidate for whom he votes, thus X.*(Amended by Ord. 31 of 2016)*

For example: Supposing John Jones, George Smith, Peter Brown and Mark Green are the candidates for election and the voter wishes to vote for John Jones, he must place a cross opposite Jones' name as follows—

BROWN, Peter Fisherman Sandy Point	
GREEN, Martha Lawyer Major Hill	
JONES, John Shopkeeper Bottle Creek	X
SMITH, George Carpenter Kew	

5. *(Repealed by Ord. 29 of 2020)*

5. The voter shall then fold his ballot paper so that the numbers on the counterfoil can be seen, he shall show the paper to the Presiding Officer (without handing it to the Presiding Officer) so as to show the numbers appearing on the ballot paper and the voter shall then place the ballot paper in the box. The voter shall forthwith exit the polling station. *(Substituted by Ord. 29 of 2020)*

6. If the voter inadvertently spoils a ballot paper, he can return it to the Presiding Officer who will, if satisfied of such inadvertence, give him another paper.

7. If the voter places any mark on the paper by which he may afterwards be identified or if he votes for more than one candidate then his ballot paper will be void and will not be counted.

8. If the voter takes a ballot paper out of the polling station or deposits in the ballot box any other paper than the one given him by the Presiding Officer, he commits an offence and is liable on summary conviction to be fined or imprisoned or to both punishments.

FORM NO. 15A

(sections 36(2)(e)(ii))

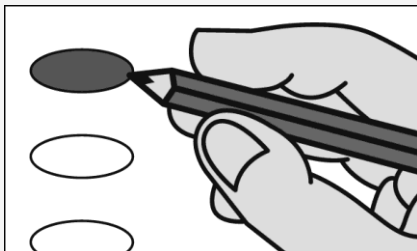
DIRECTION FOR VOTING BY ELECTRONIC TABULATING SYSTEM

1. Each voter may vote only at one polling station.
2. In an election in an electoral district which is not the all Islands district, each voter may vote for only one candidate.
3. In an election for the all islands district—
 - (a) in a general election, each voter may not vote for not more than five candidates; and
 - (b) in a by-election, each voter may vote for as many candidates as there are vacancies in that district.
4. Each voter will go into one of the compartments and, with the pencil provided shade the oval sign
5. The voter shall then insert the ballot paper in the electronic tabulating system and follow the instructions on the machine until completion, thereupon the vote shall leave the polling station.
6. If the voter inadvertently spoils a ballot paper, he can return it to the Presiding Officer who will, if satisfied of such inadvertence, give him another paper.
7. If the voter places any mark on the paper by which he may afterwards be identified or if he votes for more than one candidate than his ballot paper will be void.
8. If the voter takes a ballot paper out of the polling station or deposits in the ballot box any other paper than the one given him by the Presiding Officer, he commits an offence and is liable on summary conviction to a fine or imprisonment or to both punishments.

EXAMPLE OF SINGLE BALLOT FOR ELECTORAL DISTRICT AND ALL ISLANDS DISTRICT (VOTING SHADING THE OVAL)

Instructions

Making Selections



Fill in the oval to the right of the name of your choice. You must blacken the oval completely, and do not make any marks outside of the oval.

Do not cross out or erase, or your vote may not count. If you make a mistake or a stray mark, ask for a new ballot from the Presiding Officer.

(Inserted by Ord. 29 of 2020)

FORM NO. 16

(Sections 36(2)(d))

POLL BOOK (MANUAL OR ELECTRONIC)

<i>Particulars of voter</i>							<i>Particulars of persons applying for Ballot papers after another person has voted as such person</i>				
<i>Voter No. on List of Voters</i>	<i>Name of voter</i>	<i>Occupation</i>	<i>Postal Address</i>	<i>Date of Birth</i>	<i>(a) Record that oath sworn or refused</i>	<i>(b) Record that voter had voted</i>	<i>Name</i>	<i>Consecutive number of voter on list of voters</i>	<i>Record that oath sworn</i>	<i>Objections if any made on behalf of any candidate</i>	<i>Remarks</i>

(Substituted by Ord. 29 of 2020)

FORM NO. 17

Sections 39(2) and 45

BALLOT PAPER

GENERAL ELECTION <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <div style="border: 1px solid black; padding: 5px; width: 15%;">No. 6700</div> <div style="text-align: right; width: 60%;"> Electoral District/(Amended By Ord. 31 of 2016) </div> </div> <p style="text-align: center; margin-top: 10px;">Consecutive number given voter in Official List of Voters.....</p> <p style="text-align: center; margin-top: 5px;">Counterfoil</p> <p style="text-align: center; margin-top: 10px;">.....</p> <p style="text-align: center; margin-top: 5px;">Ballot Paper</p> <p style="margin-top: 10px;">Polling Day.....</p> <div style="display: flex; justify-content: flex-end; align-items: center; margin-top: 10px;"> <div style="border: 1px solid black; padding: 5px; width: 100px; text-align: center;"> Space for initial of P.O. </div> </div> <p style="text-align: center; margin-top: 10px;">_____ Do not fold beyond this line _____</p>			
1.	Voting Symbol	GREEN, Martha Lawyer, Major Hill	
2.	Voting Symbol	JAMES, John P. Shopkeeper, Bottle Creek	
3.	Voting Symbol	ROBINSON, Peter F. Carpenter, Kew	
4.	Voting Symbol	SMITH, George R. Mechanic, Grand Turk	

FORM NO. 18

Sections 39(3) and 45

BALLOT PAPER

GENERAL ELECTIONS -----

No. 00000

All Islands District

Consecutive number given voter in Official List of Voters -----

Counterfoil

Ballot Paper

Space for initial of P. O.

Polling Day -----

Do Not fold beyond this line -----

ALPHA POLITICAL PARTY				BETA POLITICAL PARTY				OMEGA POLITICAL PARTY				INDEPENDENT CANDIDATES			
1	Voting Symbol		BROWN, John <i>(Lawyer)</i>	1	Voting Symbol		ARTHUR, Sarah <i>(Shopkeeper)</i>	1	Voting Symbol		APPLES, Larissa <i>(Accountant)</i>	1	Voting Symbol		CHEESE, Clinton <i>(Businessman)</i>
2	Voting Symbol		GRAY, Sandra <i>(Businesswoman)</i>	2	Voting Symbol		BROWN, Max <i>(Businessman)</i>	2	Voting Symbol		CARTER, Ali <i>(Taxi Driver)</i>	2	Voting Symbol		FOXX, Blythe <i>(Businesswoman)</i>
3	Voting Symbol		PIERRE, Jean <i>(Doctor)</i>	3	Voting Symbol		CAMPBELL, Sam <i>(Businessman)</i>	3	Voting Symbol		DIXY, John <i>(Carpenter)</i>	3	Voting Symbol		KERRY, Thelma <i>(Shopkeeper)</i>
4	Voting Symbol		SANDS, Susan <i>(Businesswoman)</i>	4	Voting Symbol		MOSES, Mabel <i>(Nurse)</i>	4	Voting Symbol		SMITH, Owen <i>(Economist)</i>	4	Voting Symbol		MOORE, Joel <i>(Mechanic)</i>

(Inserted by Ord. 31 of 2016)

FORM NO. 18A

(Sections 39(3A), 45A(2))

BALLOT PAPER: ELECTRONIC TABULATING SYSTEM

GENERAL ELECTIONS.....
Electoral District

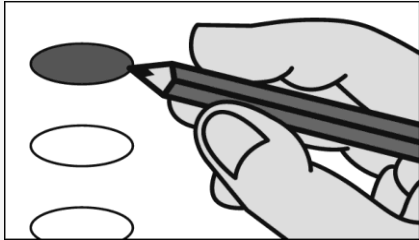
Consecutive number given voter in Official List of Voters.....

No.00000
 Turks and Caicos General Election
 Electoral District Ballot and All Islands District Ballot
 Polling Day:

All Islands District Vote for NO MORE than Five candidates.			
1.	ARTHUR, Sarah (Occupation)	Voting Symbol	<input type="radio"/>
2.	BROWN, Max (Occupation)	Voting Symbol	<input type="radio"/>
3.	CAMPBELL, Sam (Occupation)	Voting Symbol	<input type="radio"/>
4.	MOSES, Mable (Occupation)	Voting Symbol	<input type="radio"/>
5.	NELSON, June (Occupation)	Voting Symbol	<input type="radio"/>
1	APPLES, Larissa (Occupation)	Voting Symbol	<input type="radio"/>
2.	CARTER, Ali (Occupation)	Voting Symbol	<input type="radio"/>
3.	DIXY, John (Occupation)	Voting Symbol	<input type="radio"/>
4.	FARMER, Louis (Occupation)	Voting Symbol	<input type="radio"/>
5.	SMITH, Owen (Occupation)	Voting Symbol	<input type="radio"/>
1.	BROWN, John (Occupation)	Voting Symbol	<input type="radio"/>
2.	CHEESE, Clinton (Occupation)	Voting Symbol	<input type="radio"/>
3.	GRAY, Sandra (Occupation)	Voting Symbol	<input type="radio"/>
4.	PIERRE, Jean (Occupation)	Voting Symbol	<input type="radio"/>
5	SANDS, Susan (Occupation)	Voting Symbol	<input type="radio"/>

Instructions

Making Selections



Fill in the oval to the right of the name of your choice. You must blacken the oval completely, and do not make any marks outside of the oval.

Do not cross out or erase, or your vote may not count. If you make a mistake or a stray mark, ask for a new ballot from the Presiding Officer.

Electoral District Vote for One			
1.	GREEN, Martha (Occupation)	Voting Symbol	<input type="radio"/>
2.	JAMES, John P. (Occupation)	Voting Symbol	<input type="radio"/>
3.	ROBINSON, Peter (Occupation)	Voting Symbol	<input type="radio"/>
4.	SMITH, George (Occupation)	Voting Symbol	<input type="radio"/>

1	CHIEF , Owen (Occupation)	Voting Symbol	<input type="radio"/>
2.	FOXX , Blythe (Occupation)	Voting Symbol	<input type="radio"/>
3.	KERRY , Thelma (Occupation)	Voting Symbol	<input type="radio"/>
4.	MOORE , James (Occupation)	Voting Symbol	<input type="radio"/>
5.	MOORE , Joel (Occupation)	Voting Symbol	<input type="radio"/>
6.	POWERS , Lorne (Occupation)	Voting Symbol	<input type="radio"/>
7.	RICHARDSON , Simone (Occupation)	Voting Symbol	<input type="radio"/>

(Inserted by Ord. 29 of 2020)

FORM NO. 19

Section 48(1)

**OATH OF IDENTITY OF A VOTER RECEIVING A BALLOT PAPER
AFTER ANOTHER HAS VOTED IN HIS NAME**

You swear that you are
(Name as on official list of voters)
of
(Address as on official list of voters)

whose name is entered on the official list of voters now shown you.

SO HELP YOU GOD!

FORM NO. 20

Section 48(5)

OATH OF FRIEND OF BLIND OR ILLITERATE VOTER

1. You swear that you will keep secret the name of the candidates for whom you mark the ballot paper of another voter on whose behalf you act.
2. You swear that you have not already acted as a friend of a blind or illiterate voter for the purpose of marking his ballot paper at this election.

SO HELP YOU GOD!

FORM NO. 21

Section 49(2)

**OATH THAT THE VOTER IS THE PERSON INTENDED
TO BE REFERRED TO IN THE POLL BOOK OR ELECTRONIC POLL BOOK**

You swear that you are entitled to vote at this election of a member to serve in the House of Assembly and are not disqualified from voting thereat and that you verily believe that you are the person intended to be referred to by the entry in the Poll book or electronic poll book used at the Polling Station of the name whose occupation is given as and whose address is given as

SO HELP ME GOD!

(Amended by Ord. 29 of 2020)

FORM NO. 21A

(Sections 49B(2) & (3)(c), 49C(3) & (6)(k), 54(1)(f), 54A(1)(j) and 55A(2)(a))

BALLOT PAPER AND BALLOT BOX ACCOUNT

General Election or other Election:

Polling Station:

Place:

BEFORE POLL

<u>Number</u>	<u>Total</u>
1. Ballot papers received
Electoral District
All Island
2. Ballot boxes received
Electoral District
All Island

AFTER POLL

- 3. Ballot boxes in possession
- 4. Ballot papers unused
- 5. Ballot papers issued to electors
- 6. Ballot papers spoiled
- 7. Ballot papers which should be in ballot boxes

.....
Signature of Returning Officer/Presiding Officer

Date

(Inserted by Ord. 29 of 2020)

FORM NO. 22

Section 50(4)

OATH OF AGENT OF A CANDIDATE

I, the undersigned agent for one of the candidates at the election of a member of the House of Assembly held on this day in the electoral district do swear that I will keep secret the names of the candidates for whom any voter voting at this polling station marks his ballot paper in my presence at this election.

SO HELP ME GOD!

.....
Signature

Sworn before me atthisday of..... 20

FORM NO. 22A
(Sections 55(13A) and 55A(7))

REQUEST FOR RECOUNT

I,

One of the Candidates/a Counting Agent* for
.....

At the election of member/members* to serve in the House of Assembly for Electoral District/All
Island District

held on the.....day of ,..... 20....., being dissatisfied with
the accuracy of the count HEREBY DEMAND a recount and set forth below the reasons for my
demand.

REASONS

Signature of Candidate or Agent

Date:

*Delete as appropriate

(Inserted by Ord. 29 of 2020)

FORM NO. 23

Section 57(1)(a)

RETURN AFTER POLL HAS BEEN TAKEN

I hereby certify that the member(s) elected for the electoral district in
pursuance of the within Writ as having received the larger number/largest
number of votes lawfully given is
.....
..... (Name,
address and occupation as stated in Nomination Paper).

.....
Returning Officer

SCHEDULE 2

Section 28(1)

**NOTIFICATION OF VOTING SYMBOL BY A POLITICAL PARTY/INDEPENDENT
CANDIDATE**

To: The Supervisor of Elections—

We, the undersigned persons hereby give notice that we are members of the party called and that we desire to use the voting symbol*

and that we are contesting the election immediately forthcoming in the relevant electoral district appearing opposite our names.

Name of Candidate	Address	Occupation	No. of Electoral District	Signature
-------------------	---------	------------	---------------------------	-----------

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

I certify that the above statement is true and correct.

Date Secretary to Party

**Give full description of voting symbol.*

**ELECTORAL DISTRICTS (BOUNDARIES AMENDMENT)
ORDINANCE**

AN ORDINANCE TO GIVE EFFECT TO THE RECOMMENDATIONS OF THE ELECTORAL DISTRICT BOUNDARY COMMISSION REVIEWING THE ELECTORAL DISTRICT BOUNDARIES INTO WHICH THE ISLANDS ARE DIVIDED.

Commencement

[21 August 2012]

Short title

1. This Ordinance may be cited as the Electoral Districts (Boundaries Amendment) Ordinance.

First Election

2. For the purposes of the first election to be held in the Islands after the commencement of the 2011 Constitution, the ten electoral districts shall be as defined in the Schedule.

SCHEDULE

(Section 2)

TURKS AND CAICOS ISLANDS ELECTORIAL DISTRICTS**Electoral District 1: Grand Turk, North**

Comprising all that area to the north of the Island of Grand Turk bounded on the south by a line commencing from a point on the western seacoast, which is defined by the prolongation of the northern wall of the old prison to the point where it meets the western sea coast; thence due east along the northern wall of the old prison and its prolongation across the Salina to the point of intersection with the common boundary between Blocks 10402 and 10403; thence in a northerly direction along that common boundary to the point of its intersection with the common boundary of Blocks 10401 and 10403; thence due east along the latter common boundary to its intersection with a point on the eastern seacoast of Grand Turk.

Electoral District 2: Grand Turk, South

Comprising all that area to the south of the Island of Grand Turk bounded on the north by a line commencing from a point on the western seacoast, which is defined by the prolongation of the northern wall of the old prison to the point where it meets the western sea coast; thence due east along the northern wall of the old prison and its prolongation across the Salina to the point of intersection with the common boundary between Blocks 10402 and 10403; thence in a northerly direction along that common boundary to the point of its intersection with the common boundary

of Blocks 10401 and 10403; thence due east along the latter common boundary to its intersection with a point on the eastern seacoast of Grand Turk; and the island of Salt Cay.

Electoral District 3: South Caicos

Comprising of the Islands of South Caicos and East Caicos, and Big Ambergris Cay and Little Ambergris Cay.

Electoral District 4: Middle Caicos and North Caicos

Comprising of the Islands of North Caicos and Middle (or Grand) Caicos; and Parrot Cay and other neighbouring Cays.

Electoral District 5: Leeward, Providenciales

Comprising that part of Providenciales bounded by the line commencing from the point on the eastern coastline of Providenciales where the Leeward Highway meets with the coastline; then due north west along the eastern coastline of Providenciales, and continuing in that general direction to the extreme north easterly point on the coastline of Providenciales, called the Leeward Going Through Point; then due south west along the northern coastline of Providenciales, and continuing in that general direction to the point of intersection with the common boundary between Blocks 60906 and 60907; then due south east along the common boundary between Blocks 60906 and 60907, and continuing in that general direction along the said common boundary to the point of intersection with the northern boundary of Block 60810; then due north east along the common boundary between Blocks 60907 and 60810 to the point where the boundaries of Blocks 60810, 60907 and 60900 converge; then due south along the common boundary between Blocks 60810 and 60900 to its intersection with the Leeward Highway; then due north east along the centre line of the Leeward Highway to the point of intersection with the common boundary between Blocks 60811 and 61112; thence continuing in a general southerly direction along the latter common boundary, and continuing in that general direction along the common boundary between Blocks 61110 and 61112, and Blocks 61109 and 61112 to the point of intersection with the southern coastline of Providenciales; then due north east along the southern coastline, and continuing in that general direction along the southern coastline of Providenciales to Crist Point (the north eastern most point of Providenciales); then due north west along the eastern coastline of Providenciales, and continuing in that general direction to the point of commencement; and the Islands of Pine Cay, Water Cay and the East Cays, including Dellis Cay.

Electoral District 6: The Bight, Providenciales

Comprising that part of Providenciales bounded by the line commencing from the point of intersection of the common boundary between Blocks 60906 and 60907 with the northern coastline of Providenciales; then due south east along the common boundary between Blocks 60906 and 60907, and continuing in that general direction along the said common boundary to the point of intersection with the northern boundary of Block 60810; then due north east along the common boundary between Blocks 60907 and 60810 to the point where the boundaries of Blocks 60810, 60907 and 60900 converge; then due south along the common boundary between Blocks 60810 and 60900 to its intersection with the Leeward Highway; then due north east along the centre line of the Leeward Highway to the point of intersection with the common boundary between Blocks 60811 and 61112; thence continuing in a general southerly direction along the latter common boundary, and continuing in that general direction along the common boundary

between Blocks 61110 and 61112, and Blocks 61109 and 61112 to the point of intersection with the southern coastline of Providenciales; then due south west along the southern coastline of Providenciales, and continuing in that general direction along the southern coastline to the point of intersection of the common boundary between Blocks 61002 and 61101 and the southern coastline; and continuing in a general westerly direction along the entire seaward boundary of Block 61002 to the point on the southern coastline, where the common boundary between Blocks 61005 and 61002 meets at Sugar Loaf Hill; then continuing due west along the southern coastline of Providenciales to a point at Cooper Jack Bight where the seaward boundary of Block 60721 intersects the boundary of Block 61003 at a point along the southern coastline; then due north, then east and continuing in a general northerly direction along the common boundary between Blocks 60721 and 61003 to its intersection with Turtle Tail Drive; thence due west along the centerline of Turtle Tail Drive to the point of intersection with Venetian Road and Brook Close; thence in a general northerly direction along the centerline of Venetian Road to the point of intersection with the Leeward Highway; then due east along the centerline of the Leeward Highway to its intersection with Pratt Road; thence in a general northerly direction along the centerline of Pratt Road to the point where it intersects with the Lower Bight Road and the common boundary between Blocks 60714 and 60812; thence due north along the latter common boundary to the point of intersection with the northern coastline of Providenciales; thence in a north easterly direction along the northern coastline of Providenciales to the point of commencement.

Electoral District 7: Cheshire Hall and Richmond Hill, Providenciales

Comprising that part of Providenciales bounded by the line commencing at the south eastern most point on the common boundary between Blocks 60514 and 60513, thence due north north east along the common boundary between Blocks 60512 and 60513; then due east, then north and then east along the common boundary between Blocks 60510 and 60601; and continuing in that general direction along the common boundary between Blocks 60510 and 60602; and continuing in a general northerly direction along the common boundary between Blocks 60510 and 60505 to the point of intersection with Spring Water Street; then due east along the centre line of Spring Water Street to the point of intersection with Fresh Water Avenue; then due north along Fresh Water Avenue to its intersection with the Millennium Highway; then due west along the centre line of the Millennium Highway to the point of intersection with Bay Road, Blue Hills; then due north east along the centre line of Bay Road to the point of intersection with the common boundary between Blocks 60505 and 60506; then due north along the latter common boundary to the point of intersection with the northern coastline of Providenciales; then due east along the northern coastline and continuing in that general direction to its intersection with the common boundary between Blocks 60714 and 60812; then due south along the latter common boundary to the point of intersection with the Lower Bight Road and Pratt Road; and continuing in a general southerly direction along the centre line of Pratt Road to the point of intersection with the Leeward Highway; thence due west along the centerline of the Leeward Highway to its intersection with Venetian Road; thence in a general southerly direction along the centerline of Venetian Road to the point of intersection with Brook Close and Turtle Tail Drive; and continuing in a general easterly direction along the centre line of Turtle Tail Drive to the point of intersection with a road leading south, at the point where the common boundary between Blocks 60721 and 61003 meets at the road junction; and continuing in a general southerly direction along the common boundary between Blocks 60721 and 61003 to its intersection with the southern coastline of Providenciales; thence in a general south westerly direction along the southern coastline to Cooper Jack Point; then continuing in a general north easterly direction along the southern coastline of Providenciales to its intersection with a point at the mouth of Cheshire Hall Creek; then due north, and then north east along the western shoreline of Cheshire Hall Creek to a

point where the boundary lines of three Blocks – Blocks 60602, 60706 and 60700, converge at Aviation Drive; and continuing in a general north westerly direction along the centre line of Aviation Drive to the point of intersection with old Airport Road; then due north along the centerline of Old Airport Road to its intersection with Airport Road; then due west along the centerline of Airport Road to the point of intersection with the eastern boundary of Parcel 60601/9; then due south along the eastern boundary of the latter parcel, and then due west along the southern boundary of the said Parcel 60601/9, and continuing in that general direction to the point of commencement.

Electoral District 8: Blue Hills, Providenciales

Comprising that part of Providenciales bounded by the line commencing at a point where the common boundary between Blocks 60001 and 60514 meets the northern shoreline of Chalk Sound; then due east along the northern shoreline of Chalk Sound, and continuing in that general direction along the common boundary between Blocks 60514 and 60513; then due north along the latter common boundary to the point of intersection with the boundary of Block 60512; thence in a general easterly direction along the common boundary between Blocks 60512 and 60513, and 60510 and 60601, and continuing in that general direction along the common boundary between Blocks 60510 and 60602; thence in a general northerly direction along the common boundary between Blocks 60510 and 60505 to the point of intersection Spring Water Street; then due east along the centre line of Spring Water Street to the point of intersection with Fresh Water Avenue; then due north along Fresh Water Avenue to the centre line of the Millennium Highway; then due West along the centre line of the Millennium Highway to the point of intersection with Bay Road, Blue Hills; then due north east along the centre line of Bay Road to the point of intersection with the common boundary between Blocks 60505 and 60506; then due north along that common boundary to the point of intersection with the northern coastline; then due west along the northern coastline and continuing in that general direction to its intersection with the common boundary between Blocks 60502 and 60503; then due south west along the latter common boundary, thence due north west, then south west again, along the said common boundary, and continuing in that general direction along the common boundary between Blocks 60507 and 60508 to the point of intersection with the boundary of Block 60002; then due south west along the common boundary between Blocks 60002 and 60508; and continuing in that general direction along the straight line representing the common boundaries between Blocks 60001 and 60511, and 60001 and 60514 to the point of commencement.

Electoral District 9: Five Cays, Providenciales

Comprising that part of the Island of Providenciales bounded by the line commencing at a point at the mouth of Cheshire Hall Creek on the southern coastline of Providenciales; then due north along the western coastline of Cheshire Hall Creek to a point where the boundary lines of three Blocks – Blocks 60602, 60706 and 60700, converge at Aviation Drive; then continuing in a general westerly direction along the centre line of Aviation Drive to the point of intersection with old Airport Road; then due north along Old Airport Road to its intersection with Airport Road; then due west along the centre line of Airport Road to the point of intersection with the eastern boundary of Parcel 60601/9; then due south along the eastern boundary of the latter parcel, and then due west along the southern boundary of the said parcel 60601/9, and continuing in that general direction along the common boundary between Blocks 60514 and 60513 to the point of intersection with the northern shoreline of Chalk Sound then due west along the northern shoreline of Chalk Sound, and continuing along the shoreline of Chalk Sound immediately adjacent to Block 60000, and then Block 60300, until it meets the southern coastline of Providenciales at the point of West Mouth; and continuing in a general south easterly direction

along the southern coastline of Providenciales to Sapodilla Hill Point; then due east along the southern coastline, and continuing in that general direction along the seaward boundary of Block 60608; and continuing northwards along the southern coastline of Providenciales to the point of commencement.

Electoral District 10: Wheeland, Providenciales

Comprising that part of the Island of Providenciales bounded by the line commencing at the point where the common boundary between Blocks 60502 and 60503; then due south west along the latter common boundary, thence due north west, then south west again, along the said common boundary, and continuing in that general direction along the common boundary between Blocks 60507 and 60508 to the point of intersection with the boundary of Block 60002; then due south west along the common boundary between Blocks 60002 and 60508; and continuing in that general direction along the straight line representing the common boundaries between Blocks 60001 and 60511, and 60001 and 60514 to the point of intersection with the northern shoreline of Chalk Sound; then due west along the northern shoreline of Chalk Sound, and continuing along the shoreline of Chalk Sound immediately adjacent to Block 60000, and then Block 60300, until it meets the southern coastline of Providenciales at the point of West Mouth; then due west south west along the coastline through Proggin Bay to West Harbour Bluff; then due north west along the coastline to a point near Pelican Point; then due north along the western coastline of Providenciales to North West Point; and continuing in a general south easterly direction along the northern coastline of Providenciales to the point of commencement; and the Island of West Caicos.

**TURKS AND CAICOS ISLANDS
DEFENCE ORDINANCE 2020**

(Ordinance 31 of 2020)

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TURKS AND CAICOS ISLANDS

DEFENCE ORDINANCE 2020

(Ordinance 32 of 2020)

Assent.....24th December 2020

Publication in Gazette.....24th December 2020

Commencement.....in accordance with section 1

AN **ORDINANCE** TO PROVIDE FOR THE ESTABLISHMENT OF A REGIMENT FOR THE TURKS AND CAICOS ISLANDS; AND FOR CONNECTED PURPOSES.

ENACTED by the Legislature of the Turks and Caicos Islands.

PART I

PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Defence Ordinance 2020 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

Interpretation

2. In this Ordinance—

“Armed Forces Act” means the Armed Forces Act 2006 (UK), or any Act replacing that Act;

“arms” includes baton, handcuffs and other means of restraints, protective vests, tasers and pepper spray;

“Board” means the Defence Board established under 9;

“British Overseas Territories Citizen” has the meaning given to that term in section 2(1) of the Immigration Ordinance;

“Cadet Corps” means the Turks and Caicos Islands Cadet Corps established under section 3 of the Cadet Corps Ordinance;

“Commanding Officer” means the officer in command of the Turks and Caicos Islands Regiment;

“Commissioner of Police” means the Commissioner of Police of the Turks and Caicos Islands Police Force;

“days’ pay” shall be calculated by reference to the basic pay scale for a marine;

“Defence Medical Officer” means the medical officer appointed under section 11;

“Director of Public Prosecutions” means the Director of Prosecutions appointed under section 91(2) of the Constitution of the Turks and Caicos Islands;

“embodied”, in relation to the Regiment or a part thereof, means embodied under section 31;

“exempted person” means a person exempted under section 21;

“firearms” has the meaning given under section 2(1) of the Firearms Ordinance;

“Governor’s Orders” means orders made by the Governor under section 14;

“Her Majesty’s armed forces” means the regular and reserve forces of the Royal Navy, Her Majesty’s air forces and Her Majesty’s military forces;

“Her Majesty’s air forces” and “Her Majesty’s military forces” do not include any Commonwealth or British Overseas Territory Force;

“Her Majesty’s regular forces” means the Royal Navy and Her Majesty’s regular military and air forces, and includes any similar naval, military or air forces raised in any part of Her Majesty’s dominions, but does not include reservists;

“marine” means any member of the Regiment below the rank of non-commissioned officer;

“military offence” means an offence specified in Schedule 3;

“officer” means a commissioned officer in the Regiment;

“permanent resident” has the meaning given to that term in section 2(1) of the Immigration Ordinance;

“Police Force” means the Royal Turks and Caicos Islands Police Force constituted under section 7 of the Police Force Ordinance;

“police officer” means any member of the Police Force;

“prescribed” means prescribed by or under Governor’s Orders;

“Regiment” means the military force established under section 3 and referred to as the Turks and Caicos Islands Regiment;

“regular forces” has the meanings given in section 374 of the Armed Forces Act;

“reserve forces” has the meanings given in section 374 of the Armed Forces Act;

“summary court” means the Magistrate’s Court;

“Turks and Caicos Islander” has the meaning given by section 2 of the Turks and Caicos Islander Status Ordinance.

PART II

CONSTITUTION AND ADMINISTRATION OF TURKS AND CAICOS ISLANDS REGIMENT

Establishment of Turks and Caicos Islands Regiment

3. (1) There shall be raised and maintained in the Islands a reserved military force known as the Turks and Caicos Islands Regiment.

(2) The Regiment shall consist of such number of officers and persons as may from time to time be determined by the Governor.

(3) The Regiment shall be under the command of a Commanding Officer.

Duties of the Regiment

4. (1) The Regiment is responsible for—

- (a) the defence of the Islands;
- (b) protection of the Islands borders and territorial integrity;
- (c) providing humanitarian assistance and disaster relief;
- (d) assisting the Police Force when called upon to do so by the Governor;
- (e) other duties specified in this Ordinance or any other law; and
- (f) such other duties as the Governor determines.

(2) The Regiment shall assist the Cadet Corps in relation to training, the provision of arms, accoutrements and such other military stores and equipment as may be necessary.

(3) In the performance of their duties, members of the Regiment may, with the authority of the Commanding Officer or the delegate of the Commanding Officer, carry firearms.

Voluntary enlistment

5. The Regiment shall be raised and maintained by means of voluntary enlistment.

Military service to be performed in and outside of the Islands

6. A member of the Regiment may be required to perform military services, including training and non-combatant services, both in and outside of the Islands at the direction of the Governor.

Exercise of Governor's powers

7. In the exercise of the Governor's powers and duties under this Ordinance and any other enactment relating to matters of defence, including armed forces, the Governor shall act in the Governor's discretion.

Delegation of Governor's functions relating to enlistment

8. (1) The Governor, acting in his discretion, may by direction in writing delegate any of his function relating to enlistment to—

- (a) the Deputy Governor; or
- (b) the Commanding Officer.

(2) The Governor may, at any time, in writing, revoke any delegation made under subsection (1).

PART III

DEFENCE BOARD; DEFENCE MEDICAL OFFICER

Defence Board

9. (1) The Governor shall, by notice published in the *Gazette*, appoint a Board called the Defence Board.

(2) The Board shall consist of not less than seven nor more than nine members, as follows—

- (a) the Permanent Secretary, National Security, *ex officio*;
- (b) the Commanding Officer, *ex officio*;
- (c) the Defence Attaché, *ex officio*;
- (d) one member appointed by the Governor, acting on the advice of the Premier;
- (e) one member appointed by the Governor, acting on the advice of the Leader of the Opposition;
- (f) two members who are or were senior law enforcement officers, appointed by the Governor, acting in his discretion; and
- (g) such other members appointed by the Governor, acting in his discretion.

(3) A person appointed to be a member of the Board shall hold office for a term not exceeding three years and shall be eligible for re-appointment.

(4) There shall be a chairperson and a deputy chairperson of the Board each of whom shall be appointed by the Governor from among the members of the Board.

(5) Notwithstanding subsections (2) to (4), the Board shall be deemed to be properly constituted even though there is a vacancy in the office of chairperson or deputy chairperson or of any member.

(6) At any meeting of the Board the Governor may preside over the meeting if, acting in the Governor's discretion, the Governor decides to do so but, unless the Governor so decides the meeting shall be presided over by—

- (a) the chairperson;
- (b) in the absence of the chairperson, the deputy chairperson; or

(c) in the absence of both the chairperson and the deputy chairperson, such member of the Board as the members present elect to act as chairperson at that meeting.

(7) No business shall be transacted at any meeting of the Board if there are less than five members of the Board present.

(8) Any question proposed for decision at any meeting of the Board shall be determined by a majority of the votes of the members present and voting; and if on any question the votes are equally divided the chairperson shall have and exercise a casting vote.

(9) A meeting of the Board may be held using a method of communication, or a combination of methods of communication, that allows a member taking part to hear what each other member taking part says without the members being present in each other's presence.

(10) A member of the Board who takes part in a meeting conducted in terms of subsection (9) shall be taken, for all purposes, to be present at the meeting.

(11) The Board may appoint sub-committees from among its members and every such sub-committee shall consist of a chairperson and such number of subcommittee members as the Board may, in each case, determine, and they shall hold office on the sub-committee for such period and on such terms as the Board may determine.

(12) The Board may, with the consent in writing of the Governor, authorise a sub-committee appointed under subsection (11) to perform any of its functions under this Ordinance or other statutory provisions; and the act of any sub-committee so authorised to perform any function of the Board shall be deemed to be an act of the Board when the subcommittee is acting within the scope of its authority.

(13) The adjutant of the Regiment shall be the Secretary to the Board and shall be present at all meetings of the Board and take minutes of the business transacted and in any case where the adjutant is absent, the Commanding Officer shall appoint a person to perform the duties of the Secretary.

Governor may consult Board

10. (1) In the exercise of the powers and duties of the Governor under this Ordinance and any other enactment which relates to matters of defence, the Governor may consult with or take the advice of the Board as the Governor thinks fit; but, notwithstanding that the Governor has consulted or taken the

advice of the Board on any matter, the Governor may act in the Governor's discretion on such matter.

(2) In the exercise of the Governor's delegated responsibilities for Regiment matters the Commanding Officer and the Deputy Governor may consult the Board.

Defence Medical Officer

11. The Governor may appoint a Defence Medical Officer whose duties shall include—

- (a) the examination of any person for the purposes of this Ordinance; and
- (b) such others duties as may be conferred or imposed upon him or her by or under this Ordinance or any other enactment.

PART IV

RECRUITMENT, ORGANISATION, GOVERNMENT, TRAINING, PAY AND ALLOWANCES OF REGIMENT

Command of Regiment

12. The Governor shall appoint an officer, known as the Commanding Officer, who is a member of the Regiment in whom the command of the Regiment shall be vested, and, subject to the terms of the officer's appointment, that officer is responsible for the control and administration of the Regiment, subject to the Governor's directions and to the provisions of this Ordinance.

Standing Orders

13. Subject to this Ordinance and the Governor's Orders, the Commanding Officer may—

- (a) make standing orders for the control, administration and general government of the Regiment; and
- (b) issue a handbook, a code of practice or such other guidelines as Commanding Officer may see fit, for the guidance, government and regulation of members of the Regiment.

Governor's Orders

14. (1) The Governor may make general or special orders not inconsistent with the provisions of this Ordinance or any

regulations made thereunder for the administration, recruitment, organisation, government, training, pay and allowances of the Regiment and with respect to any matter and thing relating to the Regiment, including any matter—

- (a) which is expressed by this Ordinance to be a matter for which provision may be made by Governor's Orders; and
- (b) which under this Ordinance may be or is to be prescribed by Governor's Orders.

(2) Without prejudice to the generality of the powers conferred upon the Governor by subsection (1) provision may be made by Governor's Orders for the following—

- (a) the members of the Regiment in whom command over any part of the Regiment or members thereof is vested and as to the circumstances in which such command is to be exercised;
- (b) the formation of members of the Regiment into sub-units;
- (c) for posting, attaching or otherwise dealing with such members within the Regiment;
- (d) for attaching members of the Regiment for service with the Cadet Corps;
- (e) for the constitution of a permanent staff, including adjutants, warrant officers and non-commissioned officers who may be members of Her Majesty's armed forces;
- (f) for regulating the appointment, and retirement of the Commanding Officer, other officers and members of the Regiment and their numbers, ranks and duties;
- (g) for the constitution and functions of a promotions board;
- (h) for uniforms, arms, accoutrements, equipment and accommodation of members of the Regiment;
- (i) the attestation process; and
- (j) for forms to be used under this Ordinance.

(3) Governor's Orders may take the form of—

- (a) applying to the Regiment, with such modifications, exceptions or variations as are specified in the Governor's Orders, the provisions of any order, regulation or instruction made or

issued in respect of Her Majesty's armed forces;
and

- (b) authorising the Deputy Governor to issue instructions providing for any matter with respect to which, by virtue of this section, Governor's Orders may be made.

(4) Governor's Orders shall not be inconsistent with any of the provisions of this Ordinance.

(5) The Governor may revoke or vary any Governor's Orders made under this section.

(6) In making Governor's Orders in respect of Regiment matters responsibility for which has been delegated to the Deputy Governor or the Commanding officer, the Governor may act on the advice of the Deputy Governor or the Commanding Officer, as the case may be.

Enlistment and period of service

15. (1) Subject to directions of the Governor and section 18, a person who is of eighteen years of age or no more than fifty years of age and who is—

- (a) a Turks and Caicos Islander;
- (b) a British Overseas Territories citizen; or
- (c) a British citizen,

may be enlisted into the Regiment in such manner and subject to such conditions as may be prescribed.

(2) The Governor may, on the advice of the Premier, the Premier having consulted the Board, allow—

- (a) permanent residents; or
- (b) other persons not otherwise meeting the requirements of subsection (1),

to be enlisted into the Regiment if the Governor considers this to be in the best interests of the Regiment.

(3) Subject to sections 19, 29 and 30, all members of the Regiment shall serve a minimum of three years in the Regiment upon enlistment or appointment.

Attestation

16. (1) A person shall sign an attestation paper, in such form as may be prescribed, on enlistment to serve in the Regiment.

(2) Governor's Orders shall set out the attestation process.

(3) A person who knowingly makes a false answer in attestation to any question contained in the attestation paper and put to him paper by the recruiting officer or by the direction of the recruiting officer, commits an offence and shall be discharged from the Regiment.

Oath to be taken by member of Regiment

17. Every member of the Regiment shall, on his first appointment to the Regiment, make and subscribe before the Commanding Officer, the oath of allegiance in Form 1 set out in Schedule 1 to this Ordinance.

PART V

COMMISSIONS

Commission, appointment and transfer of officers

18. (1) The Governor may, in his discretion, by commission appoint a person, who is eligible to enlist in accordance with section 15, to a rank of officer listed in Schedule 2 in the Regiment where that person fulfils the prescribed conditions as to age, physical fitness, educational qualifications or other conditions as the Governor may determine.

(2) A commission may be granted either for an indefinite period or for a specified period.

(3) Every officer, upon being granted a commission, is entitled to be issued with a commission in the form set out in the Governor's Orders, and the commission shall be signed by the Governor.

(4) Every officer, upon being granted a commission, shall be appointed by the Governor to the Regiment.

(5) The Governor may make Governor's Orders—

(a) respecting the commissioning of officers, their terms of service, appointment, transfer, promotion, retirement, resignation, removal from office, and such other matters concerning officers as the Governor considers necessary; and

(b) for the better carrying into effect of this Part.

Relinquishment of commission

19. (1) An officer may, at any time, apply in the prescribed manner to the Governor for permission to relinquish the officer's commission; and the Governor after considering the circumstances may grant the application.

(2) Subject to subsection (3), if the Governor is satisfied that—

- (a) an officer is inefficient;
- (b) an officer has been guilty of neglect of duty or misconduct; or
- (c) for any other cause, an officer should no longer be an officer,

the Governor may, by notice in writing, under the Governor's hand require that officer to relinquish the officer's commission or may, by the notice to the officer, dismiss that officer.

(3) The Governor shall not require an officer to relinquish the officer's commission or dismiss an officer until the Governor has consulted the Commanding Officer; and, where the officer is charged with misconduct or neglect of duty, unless the officer has been given full opportunity to exculpate himself or herself before a Court of Enquiry, consisting of officers each of whom is an officer either of Her Majesty's armed forces or of the Regiment appointed by the Governor to enquire into and report on all the circumstances of the case.

(4) The relinquishment by an officer of the officer's commission or the dismissal of an officer shall not of itself operate so as to absolve the person who has been an officer from any liability under this Ordinance to be called up for military service or so as to preclude the acceptance of his or her services as a volunteer.

(5) Without prejudice to anything in the foregoing provisions of this section, provision may be made by Governor's Orders for fixing age limits at which officers, or officers of a particular rank, shall or may be required to relinquish their commissions, and for matters incidental thereto.

(6) Nothing in this section shall be construed so as to affect any liability to which an officer may be subject under the Armed Forces Act while the Regiment or the sub-unit of the Regiment in which he or she is an officer is embodied.

Relinquishment of commission - retention of rank title

20. (1) Where—

- (a) the commission of an officer of the substantive rank of Captain or above has been relinquished in accordance with section 19(1) or where the officer has retired; and
- (b) the officer has not been dishonourably discharged,

the officer shall be entitled to retain the officer's rank title.

(2) Where an officer chooses to retain his or her rank title in accordance with this section, such rank title shall have affixed immediately after it the word "(Retired)" or "(Retd)".

(3) In this section "rank title" means the last substantive rank held by an officer, prior to the officer's commission being relinquished.

PART VI

EXEMPTED SERVICES

Priority of exempted services

21. (1) Subject to subsection (3), where a member of the Regiment is employed both by the Regiment and by an exempted service, the member's employment obligations to the exempted service take priority over the member's employment obligations to the Regiment.

(2) For the purpose of subsection (1), an "exempted service" means—

- (a) Her Majesty's armed forces;
- (b) the Fire Service;
- (c) the Police Force;
- (d) the Prison Service;
- (e) an officer of the Department of Disaster Management;
- (f) service as an emergency medical technician or paramedic for a hospital;
- (g) a person in holy orders or a regular minister in any religious denomination recognised by the Governor as such for the purposes of this Ordinance; or
- (h) any other law enforcement agency and other body providing essential or emergency services recognised as such by the Governor for the purposes of this Ordinance.

(3) Where necessary in the order to ensure the sufficient staffing of the Regiment at any time, an exempted service specified in subsection (2)(b) to (h) and the Commanding Officer shall consult with the Governor and act in accordance with any direction given by the Governor in respect of priority of employment of a member of the Regiment.

Exemption from jury duty

22. A member of the Regiment is exempt from serving on a jury when the Regiment is embodied.

PART VII

MILITARY TRAINING

Obligation to undergo military training

23. Subject to the provisions of this Part, every member of the Regiment shall during each year of the person's enlistment—

- (a) undergo military training for fifteen days in annual camp at such time and at such place in or outside the Islands as may be notified by the Commanding Officer;
- (b) attend at least forty drills on such days and at such times and places as notified by the Commanding Officer; and
- (c) fulfil such other conditions relating to military training as may be notified by the Commanding Officer.

Power to dispense with military training

24. The requirements of section 23 may be dispensed with in whole or in part—

- (a) as respects any sub-unit of the Regiment, by the Governor; and
- (b) as respects individual member of the Regiment, by the Governor, or, subject to Governor's Orders, by the Commanding Officer.

Power of Commanding Officer to excuse member from military training

25. (1) A member of the Regiment may apply to the Commanding Officer to be excused from undergoing all or any of the military training required by section 23, on the ground that the person would thereby be caused undue hardship.

(2) The Commanding Officer shall hear the application under subsection (1) and shall make such directive as appears to Commanding Officer to be just and where a member of the Regiment is excused, the Commanding Officer shall issue to the person a certificate accordingly.

(3) Where the Commanding Officer makes a directive excusing in whole or in part the attendance of a member of the Regiment at annual camp the directive may contain a condition that the person so excused shall undergo additional military training by way of additional drills and any such condition shall be included in the certificate referred to in subsection (2).

Power of Commanding Officer to excuse member from military training on application of employer

26. (1) An employer of a person who is a member of the Regiment may apply to the Commanding Officer for the person employed to be excused in whole or in part from attendance at annual camp as required by section 23, on the ground that the employer would thereby be caused undue hardship.

(2) The Commanding Officer shall hear the application under subsection (1), and shall make such directive as appears to the Commanding Officer be just and, where a person is excused, the Commanding Officer shall issue certificates to the person and to the person's employer accordingly.

(3) Where the Commanding Officer makes a directive under this section excusing a person in whole or in part from attendance at annual camp, the directive may contain a condition that the person so excused shall undergo additional military training by way of additional drills, and any such conditions shall be included in the certificates referred to in subsection (2).

Deferment of military training

27. (1) Where a member of the Regiment—

- (a) becomes enrolled as a pupil or student in any school, college or university outside the Islands or as a full-time student at a college in the Islands;
- (b) is absent from Islands; or
- (c) is a medically unfit person who is likely to cease to be a medically unfit person,

then the military training which the person is required to undergo by virtue of this Part may be deferred for any period or periods and from time to time according to the circumstances of the case.

(2) The Governor's Orders may regulate the deferment of military training under this section.

Failure to complete military training

28. A member of the Regiment who without reasonable excuse, the proof of which shall be upon the person, fails—

- (a) to complete the annual training which by or under this Ordinance the person is required to undergo; or
- (b) to attend the number of drills during any particular period in accordance with the directions of the Commanding Officer given under this Ordinance,

commits an offence and is liable on summary conviction to a fine equal to twenty eight days' pay, or to imprisonment for three months, or to both.

PART VIII

DISCHARGE

Grounds for discharge

29. (1) A member of the Regiment shall, except when the Regiment or the sub-unit of the Regiment of which the person is a member is embodied, or when the Governor otherwise directs, be entitled to be discharged on the expiration of the period for which under this Ordinance the person is required to serve.

(2) Where the time at which a member of the Regiment would be entitled to be discharged under subsection (1) occurs while the Regiment or the sub-unit of the Regiment of which the person is a member is embodied, then the person's right to be discharged shall, unless the Governor otherwise directs, be suspended until the end of the period for which the Regiment or the sub-unit, is embodied.

(3) A member of the Regiment shall be discharged at any time if the Defence Medical Officer certifies that the person is medically unfit for further service in the Regiment.

(4) Subject to subsection (5), a member of the Regiment who becomes an exempted person by reason of the person's entry or enlistment in any of Her Majesty's armed forces shall, except when the Regiment or sub-unit of the Regiment of which the person is a member is embodied, be entitled to be discharged.

(5) The Governor may grant permission to a member of the Regiment to enter or enlist in any of Her Majesty's armed forces notwithstanding that the Regiment or the sub-unit of the Regiment of which the person is a member is embodied.

(6) In this section "discharged" in relation to a member of the Regiment, means discharged from the Regiment.

Discharge on cause being shown

30. (1) Without prejudice to section 29, a member of the Regiment may at any time be discharged from the Regiment—

- (a) by the Commanding Officer, on good and sufficient cause being shown to the Commanding Officer why the person should be discharged;
- (b) by the Governor, after a recommendation by the Commanding Officer that it is in the public interest for the member to be discharged.

(2) The Governor's Orders may regulate the discharge of persons under this section and in particular appeals to the Governor against a refusal to discharge or against a discharge.

PART IX

EMBODIMENT OF THE REGIMENT

Embodiment of the Regiment

31. (1) If the Governor considers it necessary, to do so—

- (a) in the interests of public safety;
- (b) the defence of the Islands;
- (c) to assist with public safety in another British Overseas Territory or foreign state; or
- (d) for any other reason as the Governor sees fit,

the Governor may, by Order published in the *Gazette*, or otherwise made known to members of the Regiment in such manner as may seem to the Governor best suited to the circumstances, direct that the Regiment or any part of the Regiment be embodied.

(2) The Governor shall consult the Premier before making an Order under subsection (1).

(3) The Governor shall obtain the agreement of the Premier before embodying the Regiment for a deployment to a foreign state or to another British overseas Territory, but agreement is not required for deployment within the Islands.

(4) Subject to this section, upon the making of an order under subsection (1), every member of the Regiment affected by the Order shall report at such place and at such time as may be specified in the Order or made known to the member by or through any of the member's officers or otherwise duly made known to the member.

(5) A member who without reasonable excuse, the proof of which shall be upon the member, fails to report as required by this section commits an offence and is liable on summary conviction to a fine equal to twenty-eight days' pay, or to imprisonment for six months, or to both.

(6) A police officer or any member of the Regiment—

- (a) may arrest without warrant any member of the Regiment whom the police officer or the member believes on reasonable grounds to have committed an offence under this section;
- (b) shall convey a member who is arrested to the Commanding Officer, or to such place as is appointed by the Commanding Officer, to be dealt with according to law; and
- (b) may convey under arrest any person convicted of an offence to such place as may be appointed by any officer designated by the Commanding Officer, by the Governor or by the court.

Armed Forces Act applies when undertaking duty or training with UK regular or reserve forces

32. Section 369 of the Armed Forces Act applies when a member of the Regiment is undertaking any duty with any regular forces or reserve forces.

General command when undertaking duty or training with UK regular or reserve forces

33. (1) The Regiment or any part thereof shall, while undertaking any duty with or training with a body of regular or reserve forces, be under the general command of the officer commanding that body if the officer is of senior equivalent rank to the officer commanding the Regiment or that part thereof.

(2) The extent of command to be exercised over a member of the Regiment while undertaking any duty with or training with a body of regular or reserve forces shall be at the Governor's discretion.

Period of embodiment of the Regiment

34. The period of embodiment of the Regiment, or part of the Regiment, shall be of such duration as the Governor may determine and shall not terminate until the Governor orders that the Regiment or the part of the Regiment, shall cease to be embodied.

PART X

DISCIPLINE, TRIAL AND PUNISHMENT OF MILITARY OFFENCES AND OTHER OFFENCES

Military offence and other offences: arrest

35. (1) A member of the Regiment, if authorised by the Commanding Officer to arrest offenders, may arrest without warrant—

- (a) any member of the Regiment whom the member believes on reasonable grounds to have committed a military offence; or
- (b) any member of the Regiment who commits an offence under section 28 or section 31(5).

(2) A member of the Regiment arrested for committing a military offence or for an offence under section 28 or section 31(5), the member shall be taken forthwith to the Commanding Officer, or to such other officer as the Commanding Officer shall appoint for the purpose.

(3) Any member of the Regiment brought before the Commanding Officer or other officer appointed under subsection (2) shall, unless the member's case is completed at the time of being brought before the Commanding Officer or other officer so appointed, be released on giving an undertaking that the member will appear before the officer trying the member's case when called upon, unless the Commanding Officer or other officer is satisfied that the member will not so appear, in which case the member shall be kept in civilian custody.

(4) A member of the Regiment shall not be kept in civilian custody under subsection (3) for a period longer than seventy-two hours.

Commissioner of Police to be made aware of possibility of criminal offence has been committed

36. (1) If the Commanding Officer becomes aware of an allegation or circumstances within subsection (2), the Commanding Officer shall as soon as is reasonably practicable ensure that the Commissioner of Police is advised of the matter.

(2) An allegation is, or circumstances are, within this subsection if it or they would indicate to a reasonable person that a civil offence has or may have been committed by a member of the Regiment.

Duty of Commanding Officer with respect to investigation of military offences

37. (1) This section applies where—

- (a) the Commanding Officer becomes aware of an allegation or circumstances within subsection (2); and
- (b) the officer is not required by section 36 to ensure that the Commissioner of Police is aware of the matter.

(2) An allegation is, or circumstances are, within this subsection if it or they would indicate to a reasonable person that a military offence or an offence under section 28 or 31(5) has or may have been committed by a member of the Regiment.

(3) The Commanding Officer shall—

- (a) ensure that the matter is investigated in such way and to such extent as is appropriate; or
- (b) ensure, as soon as is reasonably practicable, that the Commissioner of Police is aware of the matter as required by section 36.

(4) Subsection (3) does not apply if the matter has already been investigated in such way and to such extent as is appropriate.

Circumstances in which Commanding Officer has power to charge, etc.

38. (1) Where the Commanding Officer becomes aware of an allegation which indicates, or circumstances which indicate, that the person has or may have committed a military offence or an offence under section 28 or 31(5), the Commanding Officer has initial powers in respect of the case.

(2) Subsection (1) does not apply if the allegation or circumstances—

- (a) give or have given rise to the duty under section 36; or
- (b) are being or have been investigated by a police force.

(3) If an allegation or circumstances mentioned in subsection (1) relate to—

- (a) two or more incidents or alleged incidents, or

(b) the conduct or alleged conduct of two or more persons,

each person's conduct in relation to each incident is to be regarded as giving rise to a separate case.

Power of Commanding Officer to charge etc.

39. (1) Where under section 38 the Commanding Officer has initial powers in respect of a case—

(a) the Commanding Officer may bring one or more charges; or

(b) the Commanding Officer may refer the case to the Director of Public Prosecutions.

(2) A charge brought under subsection (1)(a) shall be regarded for the purposes of this Part as allocated for the summary hearing of the Commanding Officer or by a subordinate commander.

Powers of Commanding Officer after charge

40. (1) Where a charge against a person (“the accused”) is for the time being to be dealt with by a summary hearing by the Commanding Officer or by a subordinate commander, the Commanding Officer or the subordinate commander may—

(a) amend the charge;

(b) substitute for the charge another charge against the accused;

(c) bring an additional charge against the accused;

(d) discontinue proceedings on the charge; or

(e) refer the charge to the Director of Public Prosecutions.

(2) The powers under subsection (1) may be exercised before or after the start of any summary hearing of the charge.

(3) Any amended, substituted or additional charge under subsection (1)(a), (b) or (c) must be capable of being heard summarily by the Commanding Officer or by a subordinate commander.

(4) Any additional charge brought under subsection (1)(c) shall be in respect of the case as respects which the charge mentioned in subsection (1) was brought.

(5) Any amended, substituted or additional charge under subsection (1)(a), (b) or (c) shall be regarded for the purposes of

this Part as allocated for a summary hearing by the Commanding Officer or by a subordinate commander.

(6) Where a charge is referred under subsection (1)(e) to the Director of Public Prosecutions, the charge and any other charge brought in respect of the same case are to be regarded for the purposes of this Part as allocated for trial by a summary court.

Right to elect trial by a summary court

41. (1) The Commanding Officer, before hearing a charge summarily, shall give an accused the opportunity of electing for the charge to be tried by a summary court.

(2) If an accused elects a summary trial of the charge by the court—

(a) the Commanding Officer shall refer the charge to the Director of Public Prosecutions; and

(b) the charge shall be regarded as allocated for trial by a summary court.

(3) Where two or more charges against the accused are to be heard summarily together, an election for summary trial by the court in respect of any of the charges takes effect as an election in respect of all of them.

(4) The Director of Public Prosecutions may not without the written consent of the accused refer the charge to the Commanding Officer whether or not amended by the Director of Public Prosecutions.

Powers of Director of Public Prosecutions in respect of charge allocated for trial by summary court

42. Where a charge against an accused is to be dealt with by a summary court, the Director of Public Prosecutions may—

(a) amend the charge;

(b) substitute for the charge another charge against the accused;

(c) bring an additional charge against the accused;

(d) discontinue proceedings on the charge; or

(e) subject to section 41(4), refer the charge to the Commanding Officer, but only if the charge is capable of being heard summarily by the Commanding Officer.

Penalty on summary conviction

43. (1) Where a member of the Regiment elects a hearing before a summary court in accordance with this Part, the member of the Regiment shall be liable on conviction to a fine equal to twenty eight days' pay or to imprisonment for three months or to both.

(2) Where a member of the Regiment is convicted by a summary court, the Commanding Officer may recommend to the Governor that the member should be dishonourably discharged from the Regiment.

(3) The Governor, on receiving a recommendation from the Commanding Officer that a member should be dishonourably discharged, may—

- (a) so discharge the member; or
- (b) remit the case to the Commanding Officer requiring the Commanding Officer to reconsider the recommendation.

Hearing by Commanding Officer or subordinate commander

44. (1) This section applies where the Commanding Officer or a subordinate commander hears a charge.

(2) If the Commanding Officer or the subordinate commander determines that the charge has not been proved the Commanding Officer or subordinate commander shall dismiss the charge.

(3) If the Commanding Officer or the subordinate commander determines that the charge has been proved, the Commanding Officer or the subordinate commander shall—

- (a) record a finding that the charge has been proved; and
- (b) impose any one or more of the punishments in section 45.

(4) Notwithstanding subsection (3) or section 35(3), after investigating the charge—

- (a) the Commanding Officer; or
- (b) the subordinate commander after consulting the Commanding Officer,

may remand any person so charged for prosecution before a court of summary jurisdiction, and such court of summary jurisdiction shall thereafter deal with the matter *de novo*.

Punishments which may be imposed by Commanding Officer or subordinate commander

45. (1) The punishments which may be imposed by the Commanding Officer or the subordinate commander are—

- (a) a fine not exceeding twenty-eight days' pay;
- (b) the carrying out of additional fatigue duties or other duties;
- (c) admonition;
- (d) reprimand;
- (e) severe reprimand; and
- (f) in the case of a non-commissioned officer only, reduction to the ranks or lower grade.

(2) The Commanding Officer may, in addition to or in place of any other punishment imposed under this section on a member of the Regiment, recommend to the Governor that the member be dishonourably discharged from the Regiment.

(3) The Governor, on receiving a recommendation from the Commanding Officer that a member should be dishonourably discharged, may—

- (a) so discharge the member; or
- (b) remit the case to the Commanding Officer requiring the Commanding Officer to reconsider the recommendation and any other punishment that Commanding Officer has imposed.

(4) When the Commanding Officer is required to reconsider a recommendation for dishonourable discharge under subsection (3), the Commanding Officer shall not impose or alter any other punishment without giving the member in respect of whom the order for dishonourable discharge was made an opportunity to be heard.

(5) A fine imposed on a member of the Regiment under this section shall be paid to the adjutant of the Regiment within seven days, and shall be recoverable—

- (a) from any sums due under this Ordinance; or
- (b) before a court of summary jurisdiction in the manner provided by the Magistrate's Court Ordinance for the recovery of a debt or liquidated demand.

Restitution if offence involves property

46. (1) When a member of the Regiment is found guilty of an offence under paragraph 8 of Schedule 3, the court or officer finding the member guilty may make an order providing for the restitution of the property in respect of which the member has been found guilty or providing for the payment by the member of a sum up to the cost of replacing the public property lost or damaged.

(2) Any order under subsection (1) may be enforced as if it were an order made by a court of summary jurisdiction in a civil cause or action.

Appeal to the Supreme Court and Court of Appeal

47. (1) Where a member of the Regiment has received a disciplinary punishment under this Part, including one imposed by a summary court, with which the member of the Regiment is aggrieved, the member of the Regiment may, within fourteen days of receiving notice of the disciplinary punishment, appeal to the Supreme Court.

(2) Appeals from the Supreme Court lie to the Court of Appeal in accordance with the Court of Appeal Ordinance and appeals to the Court of Appeal shall be final.

(3) The Chief Justice may make such Rules of Court as is considered necessary to regulate procedure under this Part.

False statements

48. A person—

- (a) who, in giving any information for the purposes of this Ordinance, knowingly or recklessly makes any statement which is false in a material particular; or
- (b) who, with intent to deceive—
 - (i) forges or uses, or lends or allows to be used by any other person, any certificate under this Ordinance; or
 - (ii) makes, or has in the person's possession, any document so closely resembling any certificate under this Ordinance as to be calculated to deceive,

commits an offence and is liable—

- (iii) on summary conviction to a fine equal to twenty-eight days' pay, imprisonment for six months, or to both; and
- (iv) on indictment to a fine equal to two months' pay, to imprisonment for two years, or to both.

Offences outside the Islands

49. Sections 35 to 48 and Schedule 3 shall apply in relation to the Regiment and the officers and persons of the Regiment as well when they are outside as when they are within the Islands.

Civil offences

50. (1) A officer or member of the Regiment who, while outside the Islands—

- (a) during any period of military training under this Ordinance; or
- (b) while on service with the Regiment or any part thereof,

commits a civil offence, commits an offence.

(2) An offence created by this section shall be triable either summarily or on indictment according as to whether the corresponding civil offence is triable summarily or on indictment.

(3) A person convicted of an offence created by this section shall be liable to such punishment as is specified by law for the corresponding civil offence.

(4) In this section—

“civil offence” means any act or omission punishable by the law of the Islands which, if committed in the Islands, would be punishable by that law; and

“corresponding civil offence” means the civil offence the commission of which constitutes the offence created by this section.

Contravention of certain provisions not criminal offences

51. (1) A person found guilty of contravening any provision of this Ordinance other than when the Regiment is embodied, shall not be deemed to have been convicted of a criminal offence.

(2) Subsection (1) does not apply to any conviction involving dishonesty, to a conviction under section 43 or to a conviction for a civil offence either inside or outside the Islands.

Saving for Armed Forces Act

52. Nothing in sections 43, 44 or 45 shall affect any liability to which a member of the Regiment may be subject under section 29 of the Armed Forces Act.

Trial of offences

53. (1) Except as expressly provided in this Ordinance, offences against this Ordinance shall be prosecuted before a court of summary jurisdiction.

(2) Subject to this Ordinance, a summary court and the Supreme Court shall have jurisdiction to try a person for any offence against this Ordinance which, by reason of section 49 or 50, may be committed outside the Islands notwithstanding that the offence would, but for this subsection, have been committed outside the jurisdiction of the court.

Who may bring and conduct criminal proceedings

54. (1) Criminal proceedings in respect of an offence against this Ordinance shall not, without the written consent of the Director of Public Prosecutions, be instituted by any person other than the Governor or by an officer or other person duly authorised by the Governor in that behalf.

(2) A prosecution for an offence against this Ordinance may be conducted before a court of summary jurisdiction by an officer duly authorised by the Governor in that behalf.

(3) In this section “officer” means—

- (a) an officer of Her Majesty’s armed forces; and
- (b) any officer of the Regiment.

PART XI

GENERAL

Attendance: pay and allowances

55. (1) Subject to this section, where a member of the Regiment is required to attend drills, annual camp, or is embodied, then in respect of the member’s attendance the member shall be paid such remuneration by way of basic pay and allowances as may be fixed by the Governor after consultation with the Minister of Finance.

(2) The Governor’s Orders may regulate the payment of additional remuneration in exceptional cases.

Duty of employer

56. (1) An employer shall not prevent an employee—

- (a) from enlisting in the Regiment;
- (b) from undergoing military training, attending drills or annual camps; or
- (c) subject to section 21, from being in active service of the regiment when the Regiment is embodied.

(2) Where a member of the Regiment is in the regular employment of another person and is required to undergo military training, attend drills, attend annual camp or to be in active service when the Regiment is embodied, then the employer of the member shall allow the member to undertake such activities—

- (a) the employer shall ensure that any leave or holiday to which the member would ordinarily be entitled or for which the member would ordinarily be eligible shall not be prejudiced or restricted by reason of the member undertaking such activities; and
- (b) the employer shall ensure that any promotion, privilege or advantage in connection with the employment of the member to which the member would ordinarily be entitled or for which the member would ordinarily be eligible shall not be prejudiced by undertaking such activities.

(3) An employer who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of \$5,000; and where an employer is convicted of an offence under this section, the court by which the employer is convicted may make such order giving effect to any provision of subsection (1) as the court thinks just.

(4) Where an offence under this section is committed by a body corporate, and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person, as well as the body corporate, commits that offence and is liable to be proceeded against and punished accordingly.

(5) This section and section 54 apply in respect of a member of the Regiment, at any time during the period of the member's enlistment when the Regiment is embodied or the member is otherwise called out for service in the Regiment.

Special leave: Public servant attending annual camp

57. (1) A member of the Regiment who is employed by the Government, otherwise than as a permanent officer, may be granted special leave for the purpose of attending annual camp as a member of the Regiment.

(2) Any period of special leave granted to any person under subsection (1) shall not count against the grant of any other leave for which such person has become, or becomes, eligible.

Equipment to be returned on discharge

58. (1) Where a member of the Regiment is discharged, relinquishes his or her commission or is dismissed, it shall be that person's duty to deliver up in good order, fair wear and tear only excepted, all arms, clothing and equipment, being public property, issued to the person or in the charge of the person, or, in any case where the delivery of the property is impossible, it shall be his duty to pay into the revenue of the Government the value thereof.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine equal to seven days' pay, to imprisonment for one month or both.

(3) Where a person is convicted of an offence under this section, the court by which the person is convicted may make an order providing for the payment of compensation by the person convicted, and any such order may be enforced as if it were an order made by the court in a civil cause or action.

Notices

59. (1) All notices, orders and instructions required in connection with the administration of this Ordinance shall, except where otherwise expressly provided, be in writing.

(2) Forms may be prescribed in respect of any notice, order, certificate or other document to be used for giving effect to any of the provisions of this Ordinance.

(3) Notices of persons appointed to and discharged from the Regiment shall be published in the *Gazette*.

Service of notices

60. Any notice or other document which is required or authorised by or under this Ordinance or by or under any order or instruction made or issued thereunder to be given or served on any person may, in any case for which no other provision is made by this Ordinance, be given or served—

- (a) by delivering it to that person to the person's last known address or by email or other electronic mailing method;
- (b) in the case of the Governor, the Deputy Governor, the Board, the office of the Defence Medical Officer, by leaving it at the office of the Deputy Governor or sending it by prepaid letter addressed to the appropriate authority at the office of the Deputy Governor;
- (c) in the case of any other person, by leaving it or by sending it in a prepaid letter addressed to the person, at the person's usual or last known place of residence; or
- (d) in the case of a corporate body or other body of persons, other than those mentioned in paragraph (b), by delivering it to the secretary or clerk thereof at their registered or principal office, or by sending it in a prepaid letter addressed to the secretary or clerk at that office.

Immunity

61. No person shall be liable in damages for anything done or omitted in the discharge or purported discharge of the person's respective functions or duties under this Ordinance, or Orders or regulations made under this Ordinance unless it is shown that the act or omission was in bad faith.

Vesting of property

62. Upon the commencement of this Ordinance, all property of, or assigned to, the Contingent Military Force (and known as the TCI Regiment) prior to the date of the commencement of this Ordinance shall be deemed to have been transferred, conveyed or assured to the Regiment and to be vested in the Regiment.

General offences and powers of arrest

63. (1) A person who wilfully obstructs or otherwise interferes with a member of the Regiment acting in the execution of the member's duty commits an offence.

(2) A member of the Regiment, while carrying out duties, may arrest without warrant—

- (a) any person whom the member of the Regiment believes on reasonable grounds to have committed an offence under subsection (1); and

(b) any person whom the member of the Regiment believes on reasonable grounds is about to or has committed an offence.

(3) A person arrested for committing an offence in accordance with subsection (2) shall be taken by a member of the Regiment as soon as possible to a police officer.

(4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine of \$2,000 or to imprisonment for a term of six months, or to both.

Application of Ordinance to civilians

64. (1) Subject to the modifications specified in subsection (2), where the Regiment, or any part thereof is embodied, deployed or on active duty, Part X applies to any person who is employed in the service of, or accompanies the Regiment or any member or part of the Regiment, and who is not otherwise subject to service law.

(2) The modifications referred to in subsection (1) are the following—

(a) the punishment which may be awarded by under Part X includes a fine and imprisonment only; and

(b) the provisions of this Ordinance relating to the investigation of, and summary dealing with, offences, except as otherwise expressly provided, apply as they apply to marines.

(3) Any fine awarded by virtue of this section by the Commanding Officer is recoverable as a debt due to the government.

Other Ordinances not applicable to terms and conditions of service

65. The terms and conditions of service of members of the Regiment are governed only by this Ordinance, regulations made under this Ordinance and the Governor's Orders.

Consequential amendment to Firearms Ordinance

66. Section 31 of the Firearms Ordinance is amended in paragraph (a) by inserting after the word "Island" the words ", or in the Turks and Caicos Islands Regiment".

Transitional provisions

67. (1) A person who is appointed or purported to be appointed to any position in the Regiment by the Governor prior

to the date of the commencement of this Ordinance shall be deemed to have been appointed by the Governor under this Ordinance.

(2) All other acts done or purported to be done by the Governor in furtherance of the establishment of the Regiment prior to the date of the commencement of this Ordinance shall be deemed on that date to have been done by the Governor and the Regiment in accordance with this Ordinance.

SCHEDULE 1

FORM 1

(Section 17)

OATH OF ALLEGIANCE

I..... swear by Almighty God/do solemnly, sincerely and truly declare and affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth The Second, Her Heirs and Successors, and that I will, as in duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors in Person, Crown and Dignity, against all enemies, and will observe and obey all orders of Her Majesty, Her Heirs and Successors and of the Officers set over me.

SCHEDULE 2

(Section 18)

OFFICER RANKS IN THE REGIMENT

Ranks of the Regiment

- (1) Marine

Non-Commissioned Officers

- (2) Lance Corporal
- (3) Corporal
- (4) Sergeant
- (5) Colour Sergeant

Warrant Officers

- (6) Warrant Officer, Class Two
- (7) Warrant Officer, Class One

An Officer in Training

- (8) Officer Cadet

Commissioned Officers

- (9) 2nd Lieutenant
- (10) Lieutenant
- (11) Captain
- (12) Major
- (13) Lieutenant Colonel
- (14) Colonel (including Honorary Colonel)

SCHEDULE 3

(Section 35)

MILITARY OFFENCES

1. *Neglect of duty*, that is to say, if a member of the Regiment, while on duty—

- (a) fails to attend for any duty;
- (b) leaves any duty before the member of the Regiment is permitted to do so;
- (c) fails to perform any duty; or
- (d) performs any duty negligently.

2. *Violence against any person on guard*, that is to say, if a member of the Regiment—

- (a) uses force against a member of the Regiment or of any force co-operating with them, who is —
 - (i) on guard duty and posted or ordered to patrol;
 - (ii) on watch; or
 - (iii) under orders to regulate traffic by land, water or air; or
- (b) by the threat of force, compels such a person to let him or her or any other person pass.

3. (1) *Insubordinate behaviour*, that is to say—

- (a) if a member of the Regiment uses violence against a superior officer; and the member of the Regiment knows or has reasonable cause to believe that the other member of the Regiment is a superior officer; or
- (b) the behaviour of a member of the Regiment towards a superior officer is threatening or disrespectful; and member of the Regiment believes or has reasonable cause to believe that the other member of the Regiment is a superior officer.

(2) For the purposes of this paragraph, the behaviour of a member of the Regiment towards a superior officer includes any communication made by the member of the Regiment to the superior officer, whether or not in the presence of the superior officer.

(3) In this paragraph, “superior officer”, in relation to a member, means an officer, warrant officer or non-commissioned officer of the Regiment, or of Her Majesty’s armed forces, of superior rank.

4. *Disobedience*, that is to say, if a member of the Regiment—

- (a) disobeys a lawful command; and
- (b) intends to disobey, or is reckless as to whether he or she disobeys, the command.

5. (1) *Disobedience to standing orders*, that is to say, if a member of the Regiment contravenes a lawful order to which this paragraph applies, being a provision known to the member or which the member might reasonably be expected to know.

(2) The orders to which this paragraph applies are standing orders or other orders of a continuing nature made by the Commanding Officer or by the officer commanding any sub-unit of the Regiment.

6. (1) *Absence without leave*, that is to say, if a member of the Regiment, while attending camp or while the Regiment, or any part thereof of which the member is a member, is embodied—

- (a) absents himself or herself intentionally or negligently without leave; or
- (b) does an act, being reckless as to whether it will cause him or her to be absent without leave; and it causes him or her to be absent without leave.

(2) In subparagraph (1)(b) “act” includes an omission and the reference to the doing of an act is to be read accordingly.

7. (1) *Unfitness or misconduct through alcohol or drugs*, that is to say, if a member of the Regiment, due to the influence of alcohol or any drug—

- (a) is unfit to be entrusted with his or her duty or any duty which he or she might reasonably expect to be called upon to perform; or
- (b) is disorderly or likely to bring discredit to Regiment.

(2) For the purposes of subparagraph (1) a member of the Regiment shall be taken to be unfit to be entrusted with his or her duty, or a duty which he or she might reasonably expect to be called upon to perform, if his or her ability to carry out the duty in question is impaired.

(3) Subparagraph (1) does not apply to the influence of a drug on a member of the Regiment if—

- (a) the drug was taken or administered on medical advice and the member of the Regiment complied with any directions given as part of that advice;
- (b) the drug was taken or administered for a medicinal purpose, and the member of the Regiment had no reason to believe that the drug might impair his or her ability to carry out the duties mentioned in paragraph (1)(a) or result in his or her behaving in a way mentioned in paragraph (1)(b);
- (c) the drug was taken on the orders of a superior officer of the member of the Regiment; or
- (d) the drug was administered to the member of the Regiment on the orders of a superior officer of the person administering it.

(4) In this paragraph—

- (a) “drug” includes any intoxicant other than alcohol; and
- (b) “behaviour” of a member of the Regiment includes anything said by him or her.

(5) In proceedings for an offence under this paragraph, any sub sub-paragraph of subparagraph (3) shall be treated as not having applied in relation to the defendant unless sufficient evidence is adduced to raise an issue as to whether it did.

8. (1) *Loss of or damage to public or service property*, that is to say, if a member of the Regiment—

- (a) does an act that causes damage to or the loss of any public or service property or any property belonging to another person subject to service law; and
- (b) either—
 - (i) the member of the Regiment intends to cause damage to or the loss of the property, and there is no lawful excuse for his or her act; or
 - (ii) the member of the Regiment is reckless as to whether he or she causes damage to or the loss of the property;
- (c) negligently, the member of the Regiment does an act that causes damage to or the loss of any public or service property; or

- (d) the member of the Regiment does an act that is likely to cause damage to or the loss of any public or service property and—
 - (i) member of the Regiment is reckless as to whether he or she causes damage to or the loss of the property; or
 - (ii) member of the Regiment is negligent.
- (2) For the purposes of this paragraph—
 - (a) “act” includes an omission and references to the doing of an act are to be read accordingly;
 - (b) references to causing include allowing;
 - (c) “loss” includes temporary loss; and
 - (d) “property” means property of a tangible nature, and references to public or service property are to be read accordingly.

9. *Ill-treatment of subordinates*, that is to say, if a member of the Regiment who is an officer, warrant officer or non-commissioned officer—

- (a) ill-treats another member of inferior rank or less seniority (“a subordinate”);
- (b) intends to ill-treat a subordinate or is reckless as to whether he or she is ill-treating a subordinate; and
- (c) knows or has reasonable cause to believe that the person is a subordinate.

10. (1) *Conduct to the prejudice of good order and military discipline*, that is to say, if a member of the Regiment does an act that is prejudicial to good order and service discipline.

(2) In this paragraph “act” includes an omission and the reference to the doing of an act is to be read accordingly.

TURKS AND CAICOS ISLANDS
ENCOURAGEMENT OF DEVELOPMENT
(AMENDMENT) ORDINANCE 2020

(Ordinance 36 of 2020)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Interpretation
3. Section 6A inserted



TURKS AND CAICOS ISLANDS
ENCOURAGEMENT OF DEVELOPMENT
(AMENDMENT) ORDINANCE 2020
(Ordinance 36 of 2020)

Assent.....22nd December 2020
Publication in Gazette.....24th December 2020
Commencement.....in accordance with section 1

AN ORDINANCE TO AMEND THE ENCOURAGEMENT OF DEVELOPMENT ORDINANCE.

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title and commencement

1. This Ordinance may be cited as the Encouragement of Development (Amendment) Ordinance 2020 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

Interpretation

2. In this Ordinance “principal Ordinance” means the Encouragement of Development Ordinance.

Section 6A inserted

3. The principal Ordinance is amended by inserting after section 6 the following—

“Additional benefit

“6A.(1)Any Developer in whose favour a Development Order has been made and who meets the following requirements—

- (a) maintains annual remittances of tax under the Hotel, Restaurant and Tourism Taxation Ordinance at a threshold of nine million dollars or more in a fiscal year;
- (b) offers guest rooms of six hundred and fifty or more per single premises; and
- (c) is an all-inclusive premises,

shall receive an exemption or remission, for such period, not exceeding twenty-five years, as may be specified in the said Order, from any new tax or fiscal measure or modified tax or fiscal measure so as to cause the tax regime applied to that Developer under the said Order to remain stable during the said period of years.

(2) The additional benefit provided for under this section shall only apply where an audit of the Developer confirms that the revenue remains at or above the threshold stated in subsection (1)(a).

(3) The Permanent Secretary Finance may—

- (a) increase the threshold stated in subsection (1)(a) based on the rate of inflation;
- (b) decrease or vary the threshold stated in subsection (1)(a) in the following cases—
 - (i) in the event of a natural disaster;
 - (ii) in the event of a pandemic,

taking into account whether the natural disaster or pandemic has caused an interruption of the business operations of a Developer to the extent that it affects the level of tax remittances that would accrue to the Government in the fiscal year in which the natural disaster or pandemic occurs and taking into account such other particulars as the Permanent Secretary, Finance thinks fit and he is satisfied that it is reasonable to decrease or vary the threshold in all the circumstances of the case.

(4) In this section—

“all-inclusive premises” means a hotel in which no separate charge is made for meals, amenities, recreational activities, entertainment activities, alcoholic and non-alcoholic

beverages, tips and taxes and any other services that may be offered to a guest;

“single premises” refers to any premises under regulation 3 that is—

- (a) registered to provide services as one premises under the Business Licensing Ordinance; and
 - (b) not part of —
 - (i) a group of premises;
 - (ii) the affiliate of another premises;
 - (iii) the subsidiary of another premises;
 - (iv) the holding company of any premises;
 - (v) any premises which has the same beneficial owner and share common management and interlinked businesses with any other premises; or
 - (vi) any premises which has common ownership with another premises.”
-

TURKS AND CAICOS ISLANDS

ADOPTION (AMENDMENT) ORDINANCE 2020

(Ordinance 37 of 2020)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Interpretation
3. Section 2 amended
4. Section 3 amended
5. Section 5 amended
6. Section 14A inserted
7. Section 24 amended
8. Section 25 substituted



TURKS AND CAICOS ISLANDS

ADOPTION (AMENDMENT) ORDINANCE 2020

(Ordinance 37 of 2020)

Assent.....22nd December 2020

Publication in Gazette.....24th December 2020

Commencement.....in accordance with section 1

AN ORDINANCE TO AMEND THE ADOPTION ORDINANCE.

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title and commencement

1. This Ordinance may be cited as the Adoption (Amendment) Ordinance 2020 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

Interpretation

2. In this Ordinance “principal Ordinance” means the Adoption Ordinance.

Section 2 amended

3. Section 2 of the principal Ordinance is amended by inserting in the appropriate alphabetical position the following definition—

““step-parent” means the spouse of the custodial parent of a child who has been cohabiting with that parent for a continuous period of not less than three year immediately preceding an application to adopt the child;”.

Section 3 amended

4. Section 3 of the principal Ordinance is amended in subsection (2)—

- (a) in paragraph (a) by inserting after the word “alternatives” the words “permanent arrangements”;
- (b) in paragraph (f) by inserting after the word “relationship” the words “and any contact arrangements, direct or indirect,”;
- (c) in paragraph (g) by inserting after the word “attitude” the words “and understanding”;
- (d) in paragraph (i) by inserting after the word “needs” where it occurs for the second time, the words “and any need to recover from abuse, trauma or exploitation”;
- (e) by inserting after paragraph (k) the following paragraph—
 - “(l) any support needed by the adoptive parent of the child.”.

Section 5 amended

5. Section 5 of the principal Ordinance is amended in subsection (3)(e)(ii) by repealing the words “and protection” and substituting “child protection and adoption”;

Section 14A inserted

6. The principal Ordinance is amended by inserting after section 14 the following section—

“Step-parent adoption

14A. (1) Subject to subsections (2) and (3), the step-parent of a child may, alone, apply to adopt the child without having to comply with the requirements regarding placement in section 22(2)(a):

(2) Consent to the adoption of the child by the step-parent must be obtained from the child’s parent who is the spouse of the step-parent.

(3) Subsection (1) only applies if the step-parent has lived with the child and the child's parent for the same period specified in section 22(2)(a) or longer, immediately before the application for the adoption.”.

Section 24 amended

7. Section 24 of the principal Ordinance is amended—

(a) in subsection (1) by repealing the words “Subject to section 25” and substituting “Subject to section 26”;

(b) by inserting after subsection (1) the following subsection—

“(1A) If a child who has been adopted is to be adopted again, the consent of a person who became a parent at the time of the previous adoption is required, instead of the consent of a person who ceased to have any parental rights and responsibilities at that time.”; and

(c) by repealing subsection (5).

Section 25 substituted

8. The principal Ordinance is amended by repealing section 25 and substituting the following—

“Form of consent

25. (1) A consent to the adoption of a child shall be in the prescribed form.

(2) The consent document shall state that consent is freely and voluntarily given to the proposed adoption, and that the effects of the consent and of the proposed adoption have been explained to and understood by the person consenting.

(3) When a consent to the adoption of a child in the Islands is required from a person resident outside the Islands, the consent is sufficient for the purposes of this Ordinance if it is in a form that meets the requirements for consent to adoption in the jurisdiction in which the person is resident.”.

TURKS AND CAICOS ISLANDS

GAMING CONTROL (AMENDMENT) ORDINANCE 2020

(Ordinance 38 of 2020)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Interpretation
3. Section 3 amended
4. Section 7 amended
5. Section 9 amended
6. Section 19 amended
7. Section 28 amended
8. Section 29 amended
9. Section 38 amended
10. Section 45 amended
11. Section 101 amended
12. Section 166 amended
13. Section 171 amended



TURKS AND CAICOS ISLANDS

GAMING CONTROL (AMENDMENT) ORDINANCE 2020

(Ordinance 38 of 2020)

Assent.....22nd December 2020

Publication in Gazette.....24th December 2020

Commencement.....in accordance with section 1

AN ORDINANCE TO AMEND THE GAMING CONTROL ORDINANCE.

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title and commencement

1. (1) This Ordinance may be cited as the Gaming Control (Amendment) Ordinance 2020 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

(2) Different dates may be appointed for different provisions and different purposes.

Interpretation

2. In this Ordinance “principal Ordinance” means the Gaming Control Ordinance 2018.

Section 3 amended

3. Section 3(3) of the principal Ordinance is amended by inserting the word “record” immediately before word “check”.

Section 7 amended

4. Section 7(1) of the principal Ordinance is amended in paragraph (a), by repealing the words “gambling industry” and substituting “gaming industry”.

Section 9 amended

5. Section 9(2)(d) of the principal Ordinance is amended by deleting the words “sections 14, 15 and 16” and substituting “sections 14, 15 or 16”.

Section 19 amended

6. Section 19(5) of the principal Ordinance is amended by repealing the word “the” appearing in the fourth line.

Section 28 amended

7. Section 28(5)(k) is amended by inserting the word “be” after the word “may”.

Section 29 amended

8. Section 29(3) is amended by repealing the words “Commission may” and substituting “Minister may, after consultation with the Commission,”.

Section 38 amended

9 Section 38(1) of the principal Ordinance is amended by repealing the words “, as may be prescribed”.

Section 45 amended

10. Section 45(1) of the principal Ordinance is amended by repealing paragraph (a) and substituting—

“(a) provides food or beverage services, or both, meeting the standards set by the Board;”.

Section 101 amended

11. The principal Ordinance is amended—

(a) in subsection (1), by repealing paragraphs (b) and (c) and substituting—

“(b) when the gaming operator enters into a cash transaction with a patron involving \$3,000 or more in a single transaction, or a structured transaction;

(c) when the gaming operator receives a sum of \$3,000 or more in a single transaction account, or in a structured transaction, to be deposited in a patron account;” and

(b) by repealing subsections (5) and (6); and

(c) by inserting immediately after subsection (7), the following—

(8) For purposes of this section, “structured transaction” means to break up a series of transactions that could have been treated as a single transaction, in order to avoid an obligation either to report or generally to avoid regulatory oversight.”.

Section 166 amended

12. Section 166(2) of the principal Ordinance is amended by repealing paragraph (d).

Section 171 amended

13. Section 171 of the principal Ordinance is amended—

(a) by repealing subsection (1) and substituting—

“(1) To ensure the integrity of gaming and the consistent, effective and efficient regulation of the gaming industry in the Islands, all licences of a term of one year issued under any of the Ordinances repealed under section 170, shall expire on 31 December, following the date of commencement of this Ordinance.”;

(b) by repealing subsection (4) and substituting—

“(4) Any gaming operator seeking to continue operations after the expiry of their licence may make an application for a licence under this Ordinance.”; and

(c) by repealing subsections (8), (9) and (10) and substituting—

“(8) A person who is employed as a public officer in the Gaming Inspectorate under the Ministry responsible for tourism shall be transferred to and be employed by the Commission effective 1 January 2021.

(9) A transfer of employment under subsection (8) shall be in accordance with the terms and conditions approved by the Commission, after consultation with the staff of the Gaming Inspectorate, the Commission and the Human Resource Management Directorate of the government.

(10) The administration of the Casino Ordinance, the Gaming Machines Ordinance, the Gaming (Occasional Permissions) Ordinance and the National Lottery Licence, which is currently being conducted

by the Gaming Inspectorate, shall be conducted by the Commission until the commencement of this Ordinance.

(11) For the avoidance of doubt, administration of the Ordinances referred to under subsection (10) by the Commission does not change the authority of the person authorised to issue the licences under the respective Ordinances, and as such the licensing authority remains as is provided under the existing Ordinances, until this Ordinance comes into force.

(12) Every application for a casino licence which has been made under the Casino Ordinance shall be processed and completed under the Casino Ordinance, but in the process of the application consideration shall be given to the requirements for a casino licence under this Ordinance.

(13) A casino licence processed and issued in terms of subsection (12), shall be subject to the same conditions provided for existing licences under subsections (2) and (3). ”.

**ENCOURAGEMENT OF DEVELOPMENT ORDINANCE
2020**

NOTICE OF COMMENCEMENT 2020

(Legal Notice 131 of 2020)

MADE by the Governor under section 1 of the Encouragement of Development Ordinance 2020. *Ord. 36 of 2020*

The 4th day of January 2021 is appointed as the day on which the Encouragement of Development Ordinance 2020 shall come into operation.

MADE this 22nd day of December 2020.

**NIGEL DAKIN
GOVERNOR**

ADOPTION (AMENDMENT) ORDINANCE 2020

NOTICE OF COMMENCEMENT 2020

(Legal Notice 132 of 2020)

MADE by the Governor under section 1 of the Adoption (Amendment) Ordinance 2020. *Ord. 37 of 2020*

The 4th day of January 2021 is appointed as the day on which the Adoption (Amendment) Ordinance 2020 shall come into operation.

MADE this 22nd day of December 2020.

NIGEL DAKIN
GOVERNOR

TURKS AND CAICOS ISLANDS
ADOPTION ORDINANCE
ADOPTION (AMENDMENT) REGULATIONS 2020

(Legal Notice 133 of 2020)

Arrangement of Regulations

REGULATION

1. Citation and commencement
2. Schedule 1 amended

ADOPTION ORDINANCE
ADOPTION (AMENDMENT) REGULATIONS 2020

(Legal Notice 133 of 2020)

MADE by the Governor under section 59 of the Adoption Ordinance.

Citation and commencement

1. These Regulations may be cited as the Adoption (Amendment) Regulations 2020 and shall come into operation on 4 January 2021.

Schedule 1 amended

- 2.** Schedule 1 to the Adoption Regulations is amended—
- (a) in Form 2, in paragraph 1 by deleting subparagraph (o) and substituting the following—
“(o)intended approach to caring for or rearing the child, including an understanding of any challenging behaviour caused by the child’s early experiences; and
 - (b) by deleting Form 13 and substituting the following—
“FORM 13

(Regulation 13)

FORM OF CONSENT OF MOTHER, FATHER OR GUARDIAN

In the Matter of the Adoption Ordinance

And in the matter of an Application by [name of adopter] to adopt [name of child], a minor

CONSENT OF PARENT OR GUARDIAN OF CHILD

1. I,.....the [mother/father/guardian] of the above-named child do hereby MAKE OATH and say as follows:
2. I do hereby give my full and unqualified consent to the making of a final adoption order in respect of the said [name of child] in pursuance of the application made by [name of applicant] of [country].
3. I understand that when the application for the adoption order is heard, this document may be used as evidence of my consent to the making of the order, unless I inform the Court otherwise.
4. I understand that if I change my mind and no longer wish to consent to the adoption I have the right to withdraw the consent herein given in by notifying the Adoption Committee of the withdrawal. I understand that the Court may order that the consent herein given be withdrawn, or deny the request to withdraw the consent here given after determining whether the best interests of the child would be served by the withdrawal.
5. I have not received any, nor have I been promised any payment, reward or other thing of value from any person in exchange for making arrangements for the adoption of my child.

6. I have been advised of my right to speak with a lawyer before I decide whether or not to consent to the adoption and I have been advised of the effect of the making of an adoption order on my parental rights.
7. I understand that once the adoption order is made I will no longer be legally treated as the parent of my child and that my child will from then on become a part of the applicant's family. I will have no right to have my child returned to me. I also understand that I will have no right to contact with my child unless it is by arrangements with the applicant, or under a court order.
8. I have signed this consent unconditionally, as a free and voluntary act and with full understanding of what is involved in the making of a final adoption order for [*name of child*], my child.

Sworn to this _____ day of _____, 20_____	}	
Before Me,	}	_____
	}	Name
	}	
_____	}	_____
A Notary Public/Justice of the Peace	}	Witness

Made this 22nd day of December 2020.

**NIGEL DAKIN
GOVERNOR**

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations amend Schedule 1 to the principal Regulations—

- (a) in Form 2 to ensure better consistency of language with adoption standards and matters which a person who is involved in making of decision with respect to an adoption of a child shall have regard to;
- (b) to delete Form 13 and to substitute a new Form 13 in respect of consent of parent or guardian of child to be adopted.

GAMING CONTROL (AMENDMENT) ORDINANCE 2020

NOTICE OF COMMENCEMENT 2020

(Legal Notice 134 of 2020)

MADE by the Governor under section 1 of the Gaming Control (Amendment) Ordinance 2020. *Ord. 38 of 2020*

The 31st day of December 2020 is appointed as the day on which the provisions of the Gaming Control (Amendment) Ordinance 2020, except for section 13(a) and (b), shall come into operation.

MADE this 22nd day of December 2020.

**NIGEL DAKIN
GOVERNOR**

TURKS AND CAICOS ISLANDS
PUBLIC AND ENVIRONMENTAL HEALTH (COVID-19)(ARRIVING PASSENGERS HEALTH CLEARANCE)(AMENDMENT)(NO. 5) REGULATIONS
2020

(Legal Notice 135 of 2020)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation, commencement and expiry
2. Interpretation
3. Regulation 4 amended
4. Regulation 19 amended

TURKS AND CAICOS ISLANDS

**PUBLIC AND ENVIRONMENTAL HEALTH (COVID-19)(ARRIVING PASSENGERS HEALTH CLEARANCE)(AMENDMENT)(NO. 5) REGULATIONS
2020**

(Legal Notice 135 of 2020)

MADE by the Governor under section 62(1) of the Public and Environmental Health Ordinance for giving effect to any recommendations made by the of Public and Environmental Health Board.

Citation, commencement and expiry

1. These Regulations may be cited as the Public and Environmental Health (COVID-19)(Arriving Passengers Health Clearance)(Amendment)(No. 5) Regulations 2020 and shall come into operation on 24 December 2020

Interpretation

2. In this Regulation, the “principal Regulation” means the Public and Environmental Health (COVID-19)(Arriving Passengers Health Clearance) Regulations.

Regulation 4 amended

3. Regulation 4 is amended by inserting after subregulation (6) the following new subregulation—

“(7) For the purposes of this regulation—

“person” includes a passenger in-transit in the Islands.”

Regulation 19 amended

4. Regulation 19 of the principal Regulations is amended by making the existing provision a subregulation (1), and inserting the following new subregulation—

“(2) Any person who contravenes subregulation 1(a) shall be placed on the immigration stop list for a period of six months.”

MADE this 24th day of December 2020.

**NIGEL DAKIN
GOVERNOR**

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations amend the Public and Environmental Health (COVID-19)(Arriving Passengers Health Clearance) Regulations 2020 to expand the meaning of person under regulation 4 to include a passenger in-transit in the Islands and to provide for a person who provides false information under regulation 19 to be placed on the immigration stop list for a period of six months. .

TURKS AND CAICOS ISLANDS

**PUBLIC AND ENVIRONMENTAL HEALTH (COVID-19)
(CONTROL MEASURES)(NO.7)(AMENDMENT)(NO. 3)
REGULATIONS 2020**

(Legal Notice 136 of 2020)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation and commencement
2. Interpretation
3. Regulation 7 amended
4. Regulation 10 amended

TURKS AND CAICOS ISLANDS

PUBLIC AND ENVIRONMENTAL HEALTH (COVID-19) (CONTROL MEASURES)(NO.7)(AMENDMENT)(NO. 3) REGULATIONS 2020

(Legal Notice 136 of 2020)

MADE by the Governor under section 62(1) of the Public and Environmental Health Ordinance for giving effect to any recommendations made by the of Public and Environmental Health Board.

Citation and commencement

1. These Regulations may be cited as the Public and Environmental Health (COVID-19)(Control Measures)(No. 7) (Amendment)(No.3) Regulations 2020 and shall come into operation on publication in the *Gazette*.

Interpretation

2. In these Regulations “principal Regulations” means the Public and Environmental Health (COVID-19) (Control Measures) (No. 7) Regulations 2020.

Regulation 7 amended

3. Regulation 7 of the principal Regulations is amended by making the existing provision a subregulation (1), and inserting the following new subregulation—

“(2) For the purposes of this regulation—

“person” includes a promoter and a disc jockey.”.

Regulation 10 amended

4. Regulation 10 of the principal Regulations is amended by—

(a) deleting the words “or social activity” after the word “wedding”; and

(b) inserting after the word “wedding” the words “bar, restaurant, club, discotheque, night club, casino, any public gathering or social activity,”.

MADE this 24th day of December 2020.

**NIGEL DAKIN
GOVERNOR**

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations amend regulation 7 to extend to promoters and disc jockeys and to extend the categories for the keeping of the logbook.

**THE CONSTITUTION OF
THE TURKS AND CAICOS ISLANDS**

(Section 57(2))

PROCLAMATION

DISSOLUTION OF THE HOUSE OF ASSEMBLY

(Proclamation 6 of 2020)

(Legal Notice 137 of 2020)

I, **NIGEL DAKIN**, Governor of the Turks and Caicos Islands, in exercise of the power conferred upon me by section 57(2) of the Constitution of the Turks and Caicos Islands and acting after consultation with the Premier, **DO HEREBY DISSOLVE** the House of Assembly with effect from the 24th day of December 2020.

GIVEN under my hand at Waterloo, Grand Turk, Turks and Caicos Islands this 24th day of December 2020.

GOD SAVE THE QUEEN

**NIGEL DAKIN
GOVERNOR**

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PRACTICE DIRECTION NO 6 OF 2020

TO PROVIDE FOR THE TRANSITIONING FROM REMOTE TO IN-PERSON COURT BUSINESS

AUTHORITY: This Practice Direction is issued by the Chief Justice acting in conjunction with the Chief Magistrate pursuant to Section 17 of the Supreme Court Ordinance, section 150 of the Magistrate’s Court Ordinance, and the Court Live Link (Remote Participation) Ordinance 2020.

Whereas section 17 of the Supreme Court Ordinance vests authority in the Chief Justice to give directions for the practice and procedure of the Supreme Court.

Whereas section 150 of the Magistrate’s Court Ordinance vests power in the Magistrate to make rules for the effective execution of court business.

Whereas the Court Live Link (Remote Participation) Ordinance 2020 provides for the conduct of remote hearings;

Whereas the COVID-19 pandemic is reduced in severity in The Turks and Caicos Islands, and the physical distancing protocols in place under the Public and Environmental Health (COVID-19)(Control Measures)(No. 7) Regulations 2020 permit the resumption of operation of in-person activities for businesses with eased restrictions.

And Whereas the duty of the courts to ensure the proper administration of justice in a safe and healthy environment remains paramount.

Now therefore the following directions are made for transitioning the court from the remote conduct of court business to the conduct of normal court business, including

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in person and hybrid remote and in-person hearings by the courts in the Turks and Caicos Islands.

INTRODUCTION: This Practice Direction No. 6 seeks to replace Practice Direction No. 3 and Practice Direction No. 4 which have ran their course.

COMMENCEMENT: The effective commencement date of this Practice Direction is: January 5, 2021 and shall remain in force unless it is varied, revoked, suspended or replaced by the Chief Justice.

INTERPRETATION:

‘Court Users’ shall, for the purposes of this Practice Direction, refer to persons necessary to hearings in any of the courts on a particular day, as well as persons appointed to meet with the Registrar, or to use the dropbox for filing and submission of documents.

‘Necessary Persons’ to a hearing are: the Judge and Magistrate, Clerk of Court or Registrar, Interpreter, Prosecutors, Defence Counsel, litigants, Police Officers, Prison Officers, defendants, witnesses to be called in the day’s proceedings, and members of the media.

‘Court Registry’ refers to the Registry of the Supreme Court, and the Magistrate’s Court as applicable

‘Registrar’ refers to the Registrar of the Supreme Court.

‘Clerk of Court’ refers to the Clerk of Court at the Magistrate’s Court

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RESUMPTION OF IN-PERSON COURT BUSINESS:

1. MODE OF COURT HEARINGS

(1). Court hearings shall be held either remotely: in accordance with the provisions of the Court Live Link (Remote Participation) Ordinance 2020, in person, or in a hybrid remote and in person manner.

(2). The discretion to hold an in person or hybrid remote and in-person hearing may be exercised by the court on its own motion, or upon the application of parties or of counsel on either side.

(3). The business of the Court Registry may be carried out either remotely or in person, as the Registrar or Clerk of Court directs.

(4). In a hybrid remote and in-person hearing, counsel may address the court or make submissions, and witnesses may testify from a place of remote access which may include a place designated a Remote Access Room within the court building.

An application for the use of a Remote Access Room where such exists, may be made upon application to the Registrar or Clerk of Court.

(5) The place from which a Judge or Magistrate sits to conduct hearings shall for all purposes, be deemed a courtroom.

2. PUBLIC PARTICIPATION IN TRIALS

(1). For maximum public access, criminal trials shall as much as practicable, be streamed live.

(2). The live-streaming may be to a particular place where the public are provided access, or, the link shall be supplied by notice in the public media, and on the Judiciary's website, in the proper case.

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(3). Hearings in civil matters may be streamed live upon a request by both counsel to the Registrar, not less than forty-eight hours before the first day of hearing.

(5). Notwithstanding the availability of live streaming, members of the public and the media who wish to observe the trial from the court premises may do so remotely from a Remote Access Room where available, upon giving notice to the Registrar, not less than forty-eight hours before the hearing.

(6). No more than five persons may be in a Remote Access Room at any time having regard to the necessary observance of physical distancing protocols.

(7). A jury trial may be streamed to a particular place for public participation, or a link may be provided for public access into the trial.

3. CRIMINAL TRIALS

1. Criminal trials shall, be held in person, remotely or in a hybrid remote and in person manner, in accordance with paragraphs 1(1) and (2).

JUDGE-ALONE TRIALS:

2. Judge alone trials shall continue to be at the election of a party, or the court, subject to the right of a defendant to object thereto in accordance with S. 58 of the Criminal Procedure Ordinance Cap.3:03

TRIALS BY JURY:

3. Trials by Jury are to be held in accordance with the provisions of Practice Direction No. 5 Of 2020.

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4. CIVIL TRIALS

1. Civil trials shall continue to be heard remotely, unless the court orders it to be held in-person, or partly remote, and partly in-person in accordance with paragraphs 1(1) and (2).

5. GENERAL PROTOCOLS FOR COURT ATTENDANCE

- (1). All court staff and court users shall wear face masks to enter the court building.
- (2). The masks shall be worn for the duration of their time in the court buildings, and during court proceedings unless otherwise directed by the court.
- (3). Apart from court staff, only necessary persons shall be permitted to enter the court building; and only necessary persons to a particular hearing shall be in the designated courtroom or in the area immediately outside the courtroom.
- (4). Court users shall enter the court building one after the other, keeping the six feet physical distancing protocol, as directed by signs and the court's security guards.
- (5). Court users shall continue to keep the six feet physical distancing protocol once they enter the court building and also in the court room, Registrar's office, and everywhere else in the court building.
- (6). Court users shall sanitize their hands by accepting and using hand sanitizers provided, or by washing their hands in the sinks provided at the entrance to the court building.
- (7). Any person who refuses to comply with these general protocols for court attendance shall be denied entry to the court building by the security guards.
- (8). All court users without exception shall submit to temperature checks by use of a handheld or stand alone thermometer.

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(9). Any person displaying flu-like symptoms or whose temperature exceeds 99.5 (°F) or 37.5 (°C) shall be denied entry to the court building.

(10). All court users shall be subjected to security checks at the entrance of the court building.

(11). A Judge or Magistrate or Registrar (in the proper case) may wear a mask for court proceedings or part thereof.

(12). Witnesses shall testify wearing masks unless permitted to do otherwise by the Judge or Magistrate.

(12). Counsel shall wear masks to address the court and make submissions, as well as lead witnesses in evidence, unless permitted to do otherwise by the Judge or Magistrate.

(13) Counsel are not required to robe for the remote court appearance; counsel shall however dress appropriately in a dark suit, in accordance with the best sartorial traditions of the Bar.

(14) Where court appearance is in-person (or where it is hybrid, to the extent that counsel are required to make a physical appearance), counsel are required to robe as was done immediately before the coming into force of the now-revoked Practice Direction No. 3 of 2020.

6. APPEARANCE

(1). Pre-trial procedures such as Sufficiency Hearings and Plea and Direction and Readiness hearings shall be conducted remotely, unless the court otherwise directs.

(2). In remote proceedings, defendants in criminal cases, as well as persons ordered to be produced in habeas corpus proceedings may appear remotely by video

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link unless otherwise directed by the court. Remote appearance by video link shall be deemed a production of such persons for the purpose.

7. REMOTE HEARINGS

(1). Remote hearings shall be conducted in accordance with the Court Live Link (Remote Participation) Ordinance 2020.

(2). A person summoned to appear before the court in a remote hearing, shall appear by video link as defined by section 2 of the Court Live Link (Remote Participation) Ordinance 2020.

(3). The choice of platform: Microsoft Teams or Zoom, shall fall within the discretion of the Judge, Magistrate or Registrar (in the appropriate case).

(4). The Registrar, Court Clerk or Clerk of Court at the Magistrate's Court (as the case may be) shall set up the hearing, allow access into the hearing, end the hearing, and produce a record of the hearing.

(5). Parties, counsel, witnesses and any necessary person to the hearing, including an officer from the Department of Social Development, shall be granted access to the hearing.

(6). Except where the proceedings are held in camera, the hearing may be accessible to the media and to members of the public upon their application to the Registrar or Clerk of Court (as the case may be) or may be participated in by the livestreaming of proceedings.

8. THE RECORD

(1). Recording of the proceedings shall be done by the Registrar, Court Clerk and Clerk of Court or Court Clerk.

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- (2). The record produced by the responsible person shall be turned over to the Registrar of the Supreme Court, or the Chief Magistrate (as the case may be) at the end of the day's proceedings.
- (3). The Registrar of the Supreme Court, or the Chief Magistrate (as the case may be), shall deliver the record to a transcriptionist for the production of a transcribed record.
- (4). The transcribed record shall be certified by the Registrar or Chief Magistrate as applicable.
- (5). The certified record shall be for all purposes, including appeals, be the record of the court of the hearing.
- (6). For the avoidance of doubt, no other person present at the proceedings may record the proceedings.
- (7). Counsel or parties may request for the certified record upon the payment of a prescribed fee or the audio recording.
- (8). As much as practicable, the hearing shall simulate a courtroom setting all standards in court hearings being adhered to, with rules of procedure and evidential rules applying.
- (9). Where the hearing is by video only, and a technological problem arises, counsel or parties may use a telephone (either voice or text messaging including WhatsApp) or email to immediately alert the Registrar, Clerk of Court, Court Clerk, Judge or Magistrate, to the problem.

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(10). Members of the media may upon their application to the Registrar or Clerk of Court, be given access to the hearing other than those held in camera, they are not entitled to participate in it.

(11). Save what may traditionally be reported of court proceedings by the media, members of the media shall not reproduce the hearing on social media or broadcast the hearing electronically.

9. IN PERSON AND HYBRID PROCEEDINGS

(1). There shall be no more than ten persons at any time in a courtroom including the Judge, Magistrate, Registrar or Clerk of Court.

(2). Witnesses shall be kept at a place within the court premises where the physical distancing protocol is observed, and shall be escorted by a court official into the courtroom as needed.

(3). Where a court building has a designated Remote Access Room but no available room for witnesses, witnesses may be kept in the Remote Access Room. In such a circumstance, no member of the public or media shall be allowed in that room.

(4). Only counsel of record in a case, (or if the number limitation of ten persons permits, their junior counsel), may be in the courtroom.

(5). If more than one counsel represents parties on either side, one lead counsel for one side may sit at the end of the front row of the Bar, along with opposing counsel who may sit at the end of the opposite side.

(6). The other attorneys for the other parties may sit in the second row to observe the physical distancing protocol.

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(7). It is where there is only one lead counsel on either side that junior counsel (only two of whom may be permitted at the hearing) may sit after the said lead counsel at the end of the row on opposite ends.

(8). Where a defendant participates in the proceedings by video link from the Prison, the room from which he appears and participates in the proceedings shall for all purposes, be designated the dock.

10. THE PROCEEDINGS –

JUDGE ALONE CRIMINAL TRIALS

(1). Unless it is inconvenient or impracticable for defendants in custody to be physically present in court for trial, all defendants shall appear in court for trial

(2). Notwithstanding the preceding provision, no person shall be transported from Prison custody at Grand Turk to the Supreme Court at Providenciales for trial.

(3). All criminal trials scheduled for hearing at the Supreme Court, Providenciales, shall take place before a Judge at Providenciales in a proceeding which may be conducted remotely, in person, or a hybrid partly remote, partly in-person.

(4). Where a defendant is in custody at HM Prisons, Grand Turk, he shall stand trial at the Supreme Court before a Judge at Grand Turk in a proceeding which may be conducted remotely, in person, or a hybrid partly remote, partly in-person.

(5). Notwithstanding the preceding provision, a Judge, whether due to his inability to travel to Grand Turk to conduct the judge-alone trial by reason of continuing COVID-19 restrictions or other communicated reason, may decide to conduct the hearing from Providenciales by video link over a matter in which the defendant is at Grand Turk, whether or not he is in Prison custody.

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(6). A defendant may participate in the proceedings set out in the preceding paragraph, being physically present at the Supreme Court (or Magistrate's Court) in Grand Turk, by video link.

(7). Where in the circumstances set out in the preceding paragraph, it is impracticable for the defendant being in Prison custody, to be present at the Supreme Court (Or Magistrate's Court) in Grand Turk for the hearing by video link before a judge at Providenciales, the defendant shall participate in the proceedings from the Prison by video link.

(8). When a defendant stands in the dock at the Supreme Court (or the Magistrate's Court) at Grand Turk and participates in his or her trial by video link before a Judge at Providenciales, he or she shall be deemed to be standing in the dock before the Judge at Providenciales.

(9). When a Defendant participates in his or her trial from HM Prison, the remote access room at the Prison, shall for all purposes be designated the dock.

(10). Where a trial takes place at the Supreme Court, Providenciales, with the defendant participating from the Supreme Court (or Magistrate's Court) at Grand Turk, or from Prison custody at Grand Turk, witnesses in Providenciales shall testify from the witness box in the courtroom before the Judge; while witnesses in Grand Turk shall testify from the Supreme Court (or Magistrate's Court) in Grand Turk from the witness box by video link.

(11). Witnesses testifying from the courtroom at the Supreme Court (or Magistrate's Court), Grand Turk by video link in a trial in which the Judge sits at Providenciales, shall be sworn by court officials at Grand Turk.

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(12). A Defendant, testifying from HM Prison at Grand Turk may be sworn in by a court official remotely at the Supreme Court Grand Turk, or the Supreme Court, Providenciales.

(13). Where more than one Defendant is arraigned or stands trial on criminal charges and appears physically in court, whether physically before the Judge at Providenciales, or by video link from the Supreme Court in Grand Turk, the defendants may stand in the dock, and any area in the courtroom designated the dock, for the purpose of the arraignment or trial.

(14). Where a trial is held at the Supreme Court at Providenciales, counsel being physically present, may take instructions and communicate with defendants being physically present in the dock, on the mobile telephones provided in the dock.

(15). Before court proceedings, counsel may take instructions from defendants whether on bail or in custody, in the Robing/Conference Room provided in the Supreme Court building which shall observe the physical distancing protocol.

11. THE PROCEEDINGS - MAGISTRATE'S COURT

(1). The Magistrate shall, in accordance with paragraph 1(1) and (2) may either on his own motion, or at the application of parties or counsel, conduct remote, in-person or hybrid remote and in-person hearings.

12. TENDERING OF EXHIBITS

(1). Document exhibits shall be tendered in the ordinary way, or in person or in hybrid remote or in person proceedings.

(2). In remote hearings, a document may be tendered in evidence in this manner:

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- i. Counsel or a party tendering a document shall indicate the intention to tender document(s) in the proceedings and immediately upload it onto the FILES page on the platform.
- ii. Once uploaded, the Registrar, Court Clerk or Clerk of Court at the Magistrate's Court shall mark same on the FILES page, share the screen with all participants.
- iii. All other exhibits, especially such as instruments for the commission of a crime, shall be tendered visually by raising same for the visual inspection of all persons present at the remote hearing, The Registrar shall write on the FILES page that such has been tendered, mark it, and inform the Judge or Magistrate.

13.FILING AND SERVICE OF DOCUMENTS – GENERAL PROVISIONS

- (1). A document may be filed by email or physically at the Registry.
- (2). The procedure for the filing of documents, processes, and exhibits by email in the Supreme Court and the Magistrate's Court shall be in the manner following:
- (3). All processes and documents for use in court proceedings shall be filed by email between the hours of 8:30 am and 4:00 pm each day (regular business hours).
 - i. Any document that is filed before the regular business hours on any given day shall be deemed to have been filed at 8:30am of that day.
 - ii. Any document that is filed after 4:30 pm of any given day shall be deemed to have been filed at 8:30 am the next day.
 - iii. Any document that is filed on a weekend shall be deemed to have been filed at 8:30 am on the next business day.

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(4). When a document is filed, the subject line of the email shall contain the following information:

- i. The title of the case;
- ii. The case number (if available); and
- iii. The type of process being filed.

(5). The following shall be included in the body of the email:

- i. The sender's identity; and
- ii. Contact address.

(6). Documents filed by email shall be sent as attachments and not as text in the body of the email; and shall be in PDF format.

(7). Where requested, a document filed in PDF format may also be filed in MS Word.

(8). Draft orders shall be filed in Microsoft Word (MS Word) format.

(9). Every document filed shall be legible, paginated, in the order in which it is presented, and scanned right side up to enable easy reading.

(10). Each document shall be uploaded separately and labelled clearly.

(11). While providing access to justice may preclude a limitation on the documents to be filed as documentary evidence in a matter, counsel are advised and encouraged to file documents that are properly described as relevant evidence.

18. AFFIDAVITS AND OTHER SWORN DOCUMENTS

(1). Every affidavit for use in court proceedings shall be sworn in accordance with the Rules of Court.

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(2). Where the swearing of an affidavit is to be done remotely, swearing shall be done remotely before Justices of the Peace.

(3). For the purpose of accessing Legal Aid services, the Superintendent of Prisons, the Deputy Superintendent of Prisons, designated Justices of the Peace, may swear statements of means in accordance with the Legal Aid Rules for poor inmates of Her Majesty's Prison.

19. SERVICE OF PROCESSES AND DOCUMENTS:

(1). Service of documents, processes and bundles may be done either electronically, or physically.

(2). Acknowledgement of, and proof of service shall be done either electronically or at the direction of the Registrar or Clerk of Court, by filing same at the Registry.

(3). Every document or originating process required to be served in accordance with Order 10 of the Rules of the Supreme Court 2000, may be served by email.

(4). Unless the court otherwise orders, every document or originating process required to be served in accordance with Order 11 may be served by email.

(5). Personal service on a party is deemed to have been effected when a read receipt of an email is received by the party or counsel.

(6). To make room for where the read receipt function may not be operational, every such document shall be copied to the Registrar. Receipt by the Registrar is *prima facie* evidence that it has been received by the intended party or counsel.

(7). Proof of service of a filed document shall be by way of an affidavit of service sent by email which shall exhibit the following:

- i. A copy of the e-mail by which the document in question was served;

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- ii. A copy of any message tracking, relay or delivery confirmation, including the address to which the e-mail was sent, the date and time the email was sent, and if applicable, a copy of any reply or bounce-back notice of non-delivery or delivery failure;
 - iii. A read receipt of the email in which the document or process was served.
- (8). Proof of service as set out in paragraph 7 shall be sent by email to the Registrar.
- (9). An attorney for the defendant who accepts service of a writ of summons on behalf of the defendant shall indorse on the writ of summons such acceptance, and send an acknowledgement of service by email to the Registrar.
- (10). Service on attorneys shall be effected at an email address notified by an attorney for this purpose, or failing such notification, the address on the attorney's letterhead or website, or the email address of the general mail box of the firm to which the attorney belongs.
- (11). Service on a limited company shall be effected at an email address notified by the company or its registered agent for the purpose, or failing such notification, the address on the company's letterhead or website or that of its registered agent, or the email address of the general mail box of the company or that of its registered agent.
- (12). Service on the Crown shall be effected at an email address notified by the Attorney General's Chambers or the Office of the Director of Public Prosecutions for such service.
- (13). Service of documents on the court in both civil and criminal matters shall be made by email to the following addresses: courtregistry@goc.tc or magistratecorttci@gov.tc as the applicable.

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20. ADDRESSES FOR FILING OF DOCUMENTS AND PROCESSES

(1). The address for filing of documents and processes at the Supreme Court Registry is courtregistry@gov.tc.

(20. Attendance at the Registry for physical filing of documents shall be by appointment only to be made at supremecourtci@gov.tc .

(3). Documents for filing by email shall be sent to courtregistry@gov.tc or magistratecourtci@gov.tc as applicable.

(4). Requests for searches or copies of court records (shall be accompanied by payment receipts); requests for payment vouchers, inquiries or communications about court proceedings or any other court related matter at the Supreme Court or at the Magistrate's Court shall be sent to: supremecourtci@gov.tc or magistratecourtci@gov.tc as applicable.

(5). Documents shall not be sent for filing to the personal email addresses of court staff or any other court email address, unless otherwise directed by the Court.

20. PHYSICAL FILING OF DOCUMENTS

(1). Where filing is done physically, counsel or parties shall leave the documents along with payment receipts at the Registry in a dropbox provided at the Registry.

(2). Where filing is done physically, the paper documents, processes, exhibits, and bundles shall be submitted whether in files, envelopes or boxes, encased in plastic or other impermeable or water resistant material that may be sanitized by wiping.

(3). A document sent by email or lodged at the Court Registry shall not be filed unless a payment receipt accompanies the documents or (with the Registrar's permission), a cheque covering the requisite fees is received.

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(4). Documents submitted with incorrect filing fees or that do not comply with the relevant rules of court or with this Practice Direction shall be rejected or returned.

(5). Where a party files a document by email he may also send a hard copy of that document to the Court Registry as directed to do so by the court.

(6). Filed hard copies of documents may also be resent by email, as may be directed by the court.

(7). The court shall treat a document as filed on the date and time the documents are received by email at courtregistry@gov.tc or magistratecourttci@gov.tc as applicable, along with a payment receipt indicating that the appropriate fees have been paid.

(8). The description of a document to be contained in the email by which it is filed shall be as in the Schedule to these directions.

(9). A document purportedly filed by email that contains no description, shall not be treated as filed.

(10). The court takes no responsibility for the security of the information (albeit flagged as sensitive, confidential, or otherwise) sent by email.

21. FILING FEES

(1). All filing fees, whether or not documents are submitted by email or physically lodged at the Court Registry, or any other fees or payments made to the Supreme Court or the Magistrate's Court in relation to a court proceeding, shall be paid online.

(2). The payment shall be made to TCIG via an on-line transfer of funds, unless the Registrar or Clerk of Court (as the case may be) gives permission to present a cheque for payment.

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(3). Online payments shall be made in this manner:

- i. The payer shall request a payment voucher from the Registry by sending an email to supremecourtci@gov.tc or magistratecourtci@gov.tc as applicable.
- ii. For the verification of filing fees, the document(s) being filed shall be attached to the email.
- iii. No request for a payment voucher may be sent to the personal email addresses of court staff or any other court email address.
- iv. The subject line of the email shall read: “Request for Payment Voucher”, followed by the file number, if available.
- v. An email for a payment voucher for a new matter at the Magistrate’s Court shall have the following subject line:
**“Request for Payment Voucher –
NEW CIVIL”**; **“Request for Payment Voucher – NEW DOMESTIC;**
“Request for Payment Voucher – NEW CRIMINAL or **“Request for
Payment Voucher – NEW NIB”** for filing of Civil, Domestic, Criminal
and NIB matters respectively.
- vii. The body of the email requesting for a payment voucher in either court shall include:
 1. *The file number (if available);*
 2. *The title of the matter;*
 3. *The document(s) to be filed;*
 4. *The amount to be paid; and*

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5. *The name and telephone number of the person sending the email.*

- viii. Upon receipt of a request, the court shall send an email with the voucher attached.
- ix. Online payments shall be made only upon receipt of the payment voucher.
- x. Persons seeking to make online payments shall upon receipt of the payment voucher, verify that it reflects the correct filing fees. Documents submitted for filing with incorrect filing fees shall be rejected or returned.
- xi. Online payment shall be made by on-line transfer from your bank account to any of **TCIG's** account listed below:

CIBC FCIB: Account # 1575027, Name – Treasury

SCOTIABANK: Account # 000754415, Transit – 94045, Name – Turks and Caicos Islands Government.

RBC Account # 4020087, Transit – 05395, Name – Turks and Caicos Islands Government.

- xii. The online payer shall send an email containing a copy of the payment voucher and a screenshot showing proof of payment on-line to: treasuryreceipts@gov.tc.
- xiii. The Treasury after verifying the payment, shall send a confirmation email with the payment voucher stamped **“PAID”**.
- xiv. Upon payment, documents may be filed either by:

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- a. Leaving a copy of the payment receipt along with the documents to be filed at the Court Registry, or
- b. Sending a copy of the payment receipt and documents to be filed to courtregistry@gov.tc or magistratecourttci@gov.tc as applicable.

22. PAYMENT OF FINES

- (1). The Registrar or Clerk of Court shall issue a payment voucher for the payment of a fine by email.
- (2). Payment of the fine shall be made by or on behalf of a convicted person with the transfer of funds to the Treasury online.
- (3). A copy of the computer-generated receipt shall be emailed to treasuryreceipts@gov.tc and to the Registrar or the Clerk of Court.
- (4). A record shall be made on the court file, and the process to effect the release of the convicted person shall be effected.

23. URGENCY

- (1). An urgent application at the Supreme Court shall be accompanied by a “Certificate of Urgency” signed by counsel or by the applicant if he acts in person.
- (2). The certificate shall be accompanied by an affidavit which shall set out the relevant facts explain why the matter fit for urgent hearing.

24. APPLICATIONS FOR ADMISSION

- (1). An application for admission to practice as an attorney may be made in person or on the papers

G. N.

(2). The Chief Justice may determine whether the application shall be heard in person, remotely, or considered on the papers.

(3). Where the application is to be heard remotely, the oath shall be taken remotely before the Chief Justice.

25. EX PARTE APPLICATIONS AND REGISTRAR'S HEARINGS

(1). Ex parte applications may be heard in person, remotely, or on the papers as directed by the Judge or Registrar.

(2). The order of the court shall be transmitted by email to the applicant and every person affected by it, except where the court orders otherwise, or orders additional service.

(3). Every applicant seeking *ex parte* orders shall in addition to providing physical addresses, provide the email addresses of the persons to be affected by the orders sought.

(4). The Registrar's hearings may be conducted either in person or remotely as directed by the Registrar.

(5). A hearing before a Registrar shall be conducted as nearly as practicable in the manner provided for conduct of hearings before a Judge or Magistrate.

26. APPLICATIONS (ON NOTICE) ON THE PAPERS

(1). At the discretion of the Judge, an uncontested application may be determined on the papers without the need for an oral hearing.

(2). If the applicant considers that the application may be suitable for determination on the papers, he should ensure before filing the papers that:

G. N.

- (i) the application, together with any supporting evidence, has been served by affidavit on the defendant or respondent (if any);
 - (ii) the defendant or respondent (if any) has been allowed the appropriate period of time in which to serve an affidavit in opposition;
 - (iii) any affidavit in reply has been served on the defendant or respondent (if any); and
 - (iv) there is included in the papers the written consent of the defendant or respondent (if any) to the disposal of the application on the papers without an oral hearing.
- (3). A draft proposed order shall be filed along with the papers. The draft proposed order shall state that the Judge considers the application to be suitable to be disposed of on the papers without the need for an oral hearing.

27. INSPECTION OF FILES AND CAUSE BOOK SEARCHES

- (1). Inspection of files or the conduct of a cause book search may be done physically or remotely, as directed by the Registrar.
- (2). Where inspection or search as in the preceding paragraph is to be conducted, a party or attorney seeking an inspection of files or the conduct of a cause book search at the Supreme Court shall:
- i. Send the requisite form by email to the Registrar at supremecourtci@gov.tc .
 - ii. The Registrar shall conduct the search and provide the results by email to the address by which the request was made in the shortest possible time.

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28. OTHER ADDRESSES

1. The address for appointments for the filing of documents is: supremecourtci@gov.tc , magistratecourtci@gov.tc as applicable.

2. The telephone numbers for making appointments and for making enquiries at the Supreme Court, are:

Supreme Court Registry **Grand Turk: 338-3968 or 231-7409**

Supreme Court Registry **Providenciales: 338-4203 or 232-2460**

NOTE: The email address: courtregistry@gov.tc is for filing of documents only, it is not designed or intended to receive any inquiries or other communications about court proceedings.

3 The telephone numbers for making appointments and for making enquiries at the Magistrate's Court are:

Magistrate's Court Registry (**Grand Turk**): **338-3967 or 232-3949**

Magistrate's Court Registry (**Providenciales**): **338-4201 or 338-4205 or 2327240**

SCHEDULE

DESCRIPTION OF DOCUMENTS FOR FILING BY EMAIL

1. The file names of all documents submitted for filing by email shall start with the file number (if available), followed by the name of the document. Example: “**CL 00/20 – Notice of Change of Attorney**”.

2. For filing at the Supreme Court, the subject line of the email shall read as follows:

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Civil: CIVIL [File number] [Names of the parties] example: “**CIVIL - CL 00/20 John Doe v Jane Doe**”.

Criminal: CRIMINAL [File number] [Names of the parties], example: “**CRIMINAL - CR 00/20 R v Jane Doe**”.

Divorce: DIVORCE [File number] [Names of the parties], example “**DIVORCE – D 00/20 Jane Doe v John Doe**”.

Probate: PROBATE [File number] [Names of the matter] example: “**PROBATE – PA 00/20 In the Estate of John Doe**”.

3. For filing at the Magistrate’s Court, subject line of the email shall read as follows:

Civil: CIVIL [File number] [Names of the parties] example: “**CIVIL No. 00/20 John Doe v Jane Doe**”.

Criminal: CRIMINAL [File number] [Names of the parties], example: “**CRIMINAL No. 00/20 R v Jane Doe**”.

NIB: NIB [File number] [Names of the parties], example: “**NIB No. 00/20 NIB v John Doe**”

Domestic: DOMESTIC [Type of Application] [File number] [Names of the parties], example:

“**DOMESTIC – PROTECTION No. 00/20 Jane Doe v John Doe.**”

ISSUED THIS 23rd DAY OF DECEMBER, 2020 BY:

MABEL M. AGYEMANG

CHIEF JUSTICE

G.N.

VACATION VILLAS

TRADEMARK:

CLASS (ES):

45

APPLICANT:

CONCIERGE TURKS AND CAICOS, LTD.

APPLICATION NO:

20364

APPLICANT'S AGENT:

MARLIN LIMITED

APPLICANT'S ADDRESS
FOR SERVICE:

P. O. BOX 1235
SUITE A210
REGENT VILLAGE EAST
GRACE BAY ROAD
PROVIDENCIALES
TURKS AND CAICOS ISLANDS

DATE OF ACCEPTANCE:

11TH DECEMBER 2020

G.N.

TRADEMARK:

**VACATION
VILLAS
Turks and Caicos**

CLASS (ES):

45

APPLICANT:

CONCIERGE TURKS AND CAICOS, LTD.

APPLICATION NO:

20365

APPLICANT'S AGENT:

MARLIN LIMITED

APPLICANT'S ADDRESS
FOR SERVICE:

P. O. BOX 1235
SUITE A210
REGENT VILLAGE EAST
GRACE BAY ROAD
PROVIDENCIALES
TURKS AND CAICOS ISLANDS

DATE OF ACCEPTANCE:

11TH DECEMBER 2020

G.N.

WOVEN CITY

TRADEMARK:

CLASS (ES):

39 & 42

APPLICANT:

TOYOTA JIDOSHA KABUSHIKI KAISHA (ALSO
TRADING AS TOYOTA MOTOR CORPORATION)

APPLICATION NO:

20366 - 20367

APPLICANT'S AGENT:

MILLER SIMONS O'SULLIVAN

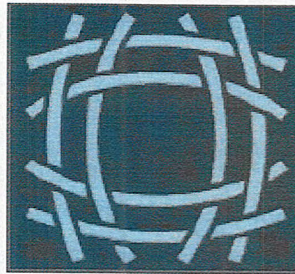
APPLICANT'S ADDRESS
FOR SERVICE:

P. O. BOX 260
REGENT HOUSE WEST
REGENT VILLAGE
GRACE BAY
PROVIDENCIALES
TURKS AND CAICOS ISLANDS

DATE OF ACCEPTANCE:

15TH DECEMBER 2020

G.N.



TRADEMARK:

CLASS (ES):

39 & 42

APPLICANT:

TOYOTA JIDOSHA KABUSHIKI KAISHA (ALSO
TRADING AS TOYOTA MOTOR CORPORATION)

APPLICATION NO:

20368 - 20369

APPLICANT'S AGENT:

MILLER SIMONS O'SULLIVAN

**APPLICANT'S ADDRESS
FOR SERVICE:**

P. O. BOX 260
REGENT HOUSE WEST
REGENT VILLAGE
GRACE BAY
PROVIDENCIALES
TURKS AND CAICOS ISLANDS

DATE OF ACCEPTANCE:

15TH DECEMBER 2020

G.N.

THE REGISTRATION OF PATENTS ORDINANCE 1982

NOTICE OF APPLICATION FOR REGISTRATION

Notice is hereby given that an application has been received for registration on the *25th November, 2020* from **INTRATUS, INC.** of **5330 Carroll Canyon Road, Suite 220, San Diego, CA 92121, United States of America** as proprietors of the patent registered as a European (UK) in the United Kingdom No. **2493474** on the *29th day of October, 2010* in respect of:

**METHODS AND COMPOSITIONS FOR SUSTAINED
DELIVERY OF DRUGS**

Any person seeking to oppose the registration which is the subject of the pending application should within two months from the date of publication hereof give notice to the Registrar of patents on the prescribed form P5 of the opposition to the issue of the certificate of registration and should state in such notice his/her grounds for opposition and should at the same time pay the prescribed fee of \$175.00

APPLICATION NO. 10301

REGISTRAR

G.N.

THE REGISTRATION OF PATENTS ORDINANCE 1982

NOTICE OF APPLICATION FOR REGISTRATION

Notice is hereby given that an application has been received for registration on the *15th December, 2020* from **Merck Sharp & Dohme Corp.** of **126 East Lincoln Avenue, Rahwy, New Jersey 07065-0907, United States of America** as proprietors of the patent registered as a European (UK) in the United Kingdom No. **3394067** on the *20th day of December, 2016* in respect of:

4-AMINO-2-(1H-PYRAZOLO[3,4-B]PYRIDIN-3-YL)-6-OXO-6,7-DIHYDRO-5H-PYRROLO[2,3-D]PYRIMIDINE DERIVATIVES AND THE RESPECTIVE (1H-INDAZOL-3-YL) DERIVATIVES AS CGMP MODULATORS FOR TREATING CARDIOVASCULAR DISEASES

Any person seeking to oppose the registration which is the subject of the pending application should within two months from the date of publication hereof give notice to the Registrar of patents on the prescribed form P5 of the opposition to the issue of the certificate of registration and should state in such notice his/her grounds for opposition and should at the same time pay the prescribed fee of \$175.00

APPLICATION NO. 10303

REGISTRAR

G.N.

THE REGISTRATION OF PATENTS ORDINANCE 1982

NOTICE OF APPLICATION FOR REGISTRATION

Notice is hereby given that an application has been received for registration on the *21st December, 2020* from **Incyte Holdings Corporation** of **1801 Augustine Cut-Off, Wilmington, DE 19803, United States of America** as proprietors of the patent registered as a European (UK) in the United Kingdom **No. 2961410** on the *28th day of February, 2014* in respect of:

**USE OF PYRAZOLOPYRIMIDINE DERIVATIVES FOR THE
TREATMENT OF P13K RELATED DISORDERS**

Any person seeking to oppose the registration which is the subject of the pending application should within two months from the date of publication hereof give notice to the Registrar of patents on the prescribed form P5 of the opposition to the issue of the certificate of registration and should state in such notice his/her grounds for opposition and should at the same time pay the prescribed fee of \$175.00

APPLICATION NO. 10304

REGISTRAR

G.N.

REGISTRATION OF TRADE MARKS ORDINANCE 2007

NOTICE OF ALTERATION OF ADDRESS

AND

CHANGE OF ADDRESS OF REGISTERED PROPRIETOR

Notice is hereby given on the 20th day of November, 2020 there was entered in the Register of Trade Marks an Alteration of Address of the Registered Proprietor of the under-mentioned Trade Marks from 225 Brae Boulevard, *Ridge Park*, New Jersey 07656, United States of America to 225 Brae Boulevard *Park Ridge*, New Jersey 07656, United States of America.

Notice is further given that there was entered in the Register of Trade Marks a Change of Address of the Registered Proprietor of the under-mentioned Trade Marks from 225 Brae Boulevard, Park Ridge, New Jersey 07656, United States of America to 8501 Williams Road, Estero, Florida 33928, United States of America, *effective 31st December, 2013.*

<u>TRADEMARK NO.</u>	<u>NAME OF TRADEMARK</u>	<u>CLASS</u>
T.M. NO. 17850	FIREFLY	39
T.M. NO. 17851	FIREFLY CAR RENTAL & FLYING CAR DESIGN	39

Name of Proprietor: *HERTZ SYSTEM, INC.*

Sealed at my Direction this 9th day of December, 2020.

REGISTRAR

G.N.

REGISTRATION OF TRADEMARKS ORDINANCE 2007

NOTICE OF

ASSIGNMENT OF TRADEMARKS

Notice is hereby given that on the 6th day of November, 2020 there was registered in the Registry of Trade Marks Three (3) Assignments made on the 2nd day of July, 2020 between (1) UNITED AIRLINES, INC. of 233 SOUTH WACKER DRIVE, 11th FLOOR, CHICAGO, ILLINOIS 60606, U.S.A. {The Assignors} and (2) MILEAGE PLUS INTELLECTUAL PROPERTY ASSETS HOLDINGS UIP, LTD. Of MAPLES CORPORATE SERVICES LIMITED, P.O. BOX 309, UGLAND HOUSE, GEORGE TOWN, GRAND CAYMAN, KY1-1104, CAYMAN ISLANDS {The Assignees} and then between (1) MILEAGE PLUS INTELLECTUAL PROPERTY ASSETS HOLDINGS UIP, LTD. Of MAPLES CORPORATE SERVICES LIMITED, P.O. BOX 309, UGLAND HOUSE, GEORGE TOWN, GRAND CAYMAN, KY1-1104, CAYMAN ISLANDS {The Assignors} and (2) MILEAGE PLUS INTELLECTUAL PROPERTY ASSETS AGGREGATOR, LTD. Of MAPLES CORPORATE SERVICES LIMITED, P.O. BOX 309, UGLAND HOUSE, GEORGE TOWN, GRAND CAYMAN, KY1-1104, CAYMAN ISLANDS {The Assignees} and finally between (1) MILEAGE PLUS INTELLECTUAL PROPERTY ASSETS AGGREGATOR, LTD. Of MAPLES CORPORATE SERVICES LIMITED, P.O. BOX 309, UGLAND HOUSE, GEORGE TOWN, GRAND CAYMAN, KY1-1104, CAYMAN ISLANDS {The Assignors} and (2) MILEAGE PLUS INTELLECTUAL PROPERTY ASSETS, LTD. Of MAPLES CORPORATE SERVICES LIMITED, P.O. BOX 309, UGLAND HOUSE, GEORGE TOWN, GRAND CAYMAN, KY1-1104, CAYMAN ISLANDS {The Assignees} whereby the Trade Marks hereunder listed was with the goodwill of the business in the goods/services in respect of which such Trademarks are registered assigned by the Assignors to the Assignees absolutely and that the Assignees address for service in the Islands is Miller Simons O'Sullivan of P.O. Box 260, Regent Village, Grace Bay, Providenciales, Turks and Caicos Islands

<u>TRADE MARK NO.</u>	<u>NAME OF TRADE MARK</u>	<u>CLASS</u>
T.M. NO. 18584	MILEAGEPLUS	35
T.M. NO. 18585	MILEAGEPLUS	39

PROPRIETOR'S NAME: MILEAGE PLUS INTELLECTUAL PROPERTY ASSETS, LTD.

FOR REGISTRAR