

THE ELECTION PETITIONS ACT

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THE ELECTION PETITIONS ACT

Cap. 107.
Acts
6 of 1963,
28 of 1988,
29 of 1997,
29 of 2002.

[17th April, 1885.]

1. This Act may be cited as the Election Petitions Act.

Short title.
29/1997
S. 2.
Interpreta-
tion.

PART I. *Election Petitions*

2. In this Act—

“constituency” means an area of Jamaica having separate representation in the House of Representatives;

6/1963
S. 2 (Sch.).
29/2002
S. 2.

“Constituted Authority” means the Constituted Authority established under section 62C of the Kingston and St. Andrew Corporation Act, section 40C of the Parish Councils Act and section 44A of the Representation of the People Act;

“corrupt practice” means bribery, treating and undue influence or any of such offences as defined or recognized by the law of Jamaica;

“division” means—

29/1997
S. 3 (a).

(a) any division of any parish except the parishes of Kingston and St. Andrew, for the purposes of the Parish Councils Act;

(b) any division of the parishes of Kingston and St. Andrew for the purpose of the Kingston and St. Andrew Corporation Act;

“petition” or “election petition” shall mean a petition complaining of an undue return or undue election of a member of the House of Representatives or a councillor of a Parish Council or the Kingston and St. Andrew Corporation, presented to the Supreme Court under the provisions of this Act.

29/1997
S. 3 (b).

3. A petition may be presented to the Supreme Court by any one or more of the following persons, that is to say—

Who may
present
petitions.
6/1963
S. 2 (Sch.).

29/1997
S. 4.

Provisions as
to presenting
petitions.

- (a) in relation to the House of Representatives by the Clerk of the House of Representatives by authority of a resolution of that House;
- (b) in relation to the House of Representatives or a Parish Council or the Kingston and St. Andrew Corporation, by the Attorney-General or by any other person.

4. The following provisions shall apply to the presentation of an election petition—

- (a) The petition shall be signed by the petitioner, or all the petitioners if more than one.
- (b) The petition shall be presented to the Registrar of the Supreme Court within twenty-one days after the return has been made of the member to whose election the petition relates, unless it question 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 or in furtherance of such corrupt practices, in which case the petition may be presented at any time within twenty-eight days after the date of such payment.
- (c) Presentation of an election petition shall be made by filing it in the Registry of the Supreme Court.
- (d) At the time of the 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 (who is hereinafter referred to as the respondent),

shall be given on behalf of the petitioner except where the petitioner is the Clerk of the House of Representatives or the Attorney-General. 6/1963
S. 2 (2ch.).

- (e) The security shall be an amount of five thousand dollars for a petition and shall be deposited in the Consolidated Fund to the credit of the petition to abide the order of the Court. 29/1997
S. 5.

5. On presentation of the petition the Registrar shall publish a copy of the same in the *Gazette*. Publication
of petition.

6. Notice of the presentation of a petition and the security (if any) accompanied by a copy of the petition shall, within ten days after the presentation of the petition, be served by the petitioner on the respondent. Service of
notice and
copy of
petition.
29/1997
S. 6.

Service of the petition may be effected either by personal service or by registered post to the address of the respondent stated in the respondent's nomination paper.

7. [*Repealed by Act 29 of 1997.*]

8. It shall be sufficient that a petition shall state generally the grounds on which the petitioner relies for challenging the election or return, concluding with a statement of the relief sought; particulars, however, of the acts complained of as avoiding the election or return shall be furnished by the petitioner to the respondent, within ten days after the presentation of the petition. General
grounds
and special
relief to be
stated;
particulars
of acts
relied on to
be furnished.

It shall be lawful for a Judge of the Supreme Court, on a summons taken out by the respondent for the purpose, to order further and better particulars to be furnished by the petitioner, or on a summons being taken out by the petitioner to allow such particulars to be added to or amended.