

CHAPTER 102

ELECTORAL (POLLING) ORDINANCE*

To make provision for the election and co-option of members of the House of Representatives.

(3rd July, 1939)[†]

ORDINANCE XXXIV of 1939, as amended by Ordinances: II of 1945, IV of 1947; Proclamation IX of 1947; Act VI of 1947; Ordinances: VI of 1959, XXXIV of 1961, XXIII and XXV of 1962; Legal Notices: 4 of 1963, 46 of 1965; and Acts: XIX of 1966, XXXV, LVI and LVIII of 1974; Legal Notice 148 of 1975; Acts: XLVII of 1975, I of 1976, [XXVII](#) and [XLIX](#) of 1981, [XIII](#) of 1983 and [VIII](#) of 1990; and Legal Notice [409](#) of 2007.

ARRANGEMENT OF ORDINANCE

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*This Ordinance, other than articles 41 to 62 (both inclusive), was repealed by Act XXI of 1991. These articles are also reproduced as Schedule Fourteen of the said Act.

[†]See Proclamation No. XXXII of the 3rd July, 1939.

[‡]Article 1, Parts I to III (inclusive) and their corresponding articles 2 to 38 (inclusive), articles 39 and 40 of Part IV, Part VIII and its corresponding articles 63 to 68 (inclusive) and the First Schedule to the Sixth Schedule (inclusive) were repealed by Act XXI of 1991.

Short title. **1.** *Repealed by article 118 of Act XXI of 1991.*

*Repealed by:
XXI. 1991.118.*

PART I

PRELIMINARY

Articles 2 and 3 were repealed by Act XXI of 1991.

*Repealed by
XXI. 1991.118.*

PART II

ELECTION PROCEDURE

Articles 4 to 33 were repealed by Act XXI of 1991.

*Repealed by:
XXI. 1991.118.*

PART III

COUNTING OF VOTES

Articles 34 to 38 were repealed by Act XXI of 1991.

PART IV

ELECTION AGENTS, ELECTION EXPENSES
AND ILLEGAL PRACTICES

Appointment of
election agent.
*Amended by:
L.N. 46 of 1965.*

39. *Repealed by article 118 of Act XXI of 1991.*

Persons guilty of
corrupt practices
not to be appointed
election agents.

40. *Repealed by article 118 of Act XXI of 1991.*

Making of
contracts in respect
of election
expenses.

41. A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at such election, unless made by the candidate himself or by his election agent; provided that the inability under this article to enforce such contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice committed by his agent.

Payment of
expenses through
election agent.

42. (1) Except as permitted by or in pursuance of this Ordinance, no payment and no advance or deposit shall be made by a candidate at an election, or by any agent on behalf of the candidate, or by any other person, whether before, during or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the election agent of the candidate; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or

management of the election, whether as gift, loan, advance or deposit, shall be paid to the candidate or his election agent and not otherwise; provided that this article shall not be deemed to apply to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him.

(2) A person who makes any payment, advance, or deposit in contravention of this article or pays in contravention of this article any money so provided as aforesaid, shall be guilty of an illegal practice.

43. (1) Every payment made by an election agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election shall, except where less than fifty-eight cents (0.58), be vouched for by a bill stating the particulars and by a receipt.

Periods for sending
in claims and
making payments
for election
expenses.
Amended by:
XIII. 1983.5;
L.N. 409 of 2007.

(2) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election, which is not sent in to the election agent within the time limited by this Ordinance, shall be barred and shall not be paid; and subject to such exception as may be allowed in pursuance of this Ordinance, an election agent who pays a claim in contravention of this article shall be guilty of an illegal practice.

(3) Except as by this Ordinance permitted, the time limited by this Ordinance for sending in claims shall be fourteen days after the day on which the candidate returned is declared elected.

(4) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conduct or management of such election, shall be paid within the time limited by this Ordinance and not otherwise; and, subject to such exception as may be allowed in pursuance of this Ordinance, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

(5) Except as by this Ordinance permitted, the time limited by this Ordinance for the payment of such expenses as aforesaid shall be twenty-eight days after the day on which the candidate returned is declared elected.

(6) Where it has been proved to the satisfaction of the court by a candidate that any payment made by an election agent in contravention of this article was made without the sanction or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Ordinance by reason only of such payment having been made in contravention of this article.

(7) If the election agent in the case of any claim sent in to him within the time limited by this Ordinance disputes it, or refuses or fails to pay it within the said period of twenty-eight days, such claim shall be deemed to be a disputed claim.

(8) The claimant may, if he thinks fit, bring an action for a

disputed claim in the competent civil court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by his Ordinance, and to be an exception from the provisions of this Ordinance requiring claims to be paid by the election agent.

(9) On cause shown to the satisfaction of the competent civil court, the court on application by the claimant or by the candidate or his election agent may, by order, give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as aforesaid, although sent in after the time in this article mentioned for sending in claims; or although the same was sent in to the candidate and not to the election agent.

(10) Any sum specified in any such order may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Ordinance.

Remuneration of
election agent.

44. So far as circumstances admit, this Ordinance shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim, the claim shall be a disputed claim within the meaning of this Ordinance, and be dealt with accordingly.

Personal expenses
of candidate and
petty expenses.
Amended by:
XIII. 1983.5;
L.N. 409 of 2007.

45. (1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding twenty-seven euro and ninety-five cents (27.95), but any further personal expenses so incurred by him shall be paid by his election agent.

(2) The candidate shall send to the election agent within the time limited by this Ordinance for sending in claims, a written statement of the amount of personal expenses paid as aforesaid by such candidate.

(3) The personal expenses of a candidate include his reasonable travelling expenses and the reasonable expenses of his living at hotels or elsewhere for the purposes of the election.

(4) Any person may, if so authorized in writing by the election agent of the candidate pay any necessary expense for stationery, postage, telegrams, and other petty expenses to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(5) A statement of the particulars of payments made by any person so authorized shall be sent to the election agent within the time limited by this Ordinance for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person.

Expense in excess
of maximum to be
illegal practice.
Amended by:
I. 1976.11;
XXVII. 1981.12;
XIII. 1983.5;
L.N. 409 of 2007.

46. (1) Subject to such exception as may be allowed in pursuance of this Ordinance, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during, or after an election on account of or in respect of the conduct or management of such election, in excess of one thousand and three hundred and ninety-seven euro and sixty-

two cents (1,397.62):

Provided that there shall not be included in such amount any expenditure incurred by the candidate for his personal expenses, nor the fee, if any, paid to the election agent not exceeding two hundred and thirty-two euro and ninety-four cents (232.94).

(2) In the case of candidates standing for election in the same division as members of the same political party, the expenses of such candidates may be added together and there shall not be deemed to have been a contravention of this article unless the aggregate expenses of such candidates, when added together, exceed either the sum of one thousand and three hundred and ninety-seven euro and sixty-two cents (1,397.62) multiplied by the number of such candidates or the sum of six thousand nine hundred and eighty-eight euro and twelve cents (6,988.12), whichever is the smaller: provided that if the aggregate of such expenses exceeds either of the sums aforesaid, the expenses of each such candidate shall be separated from the expenses of the others and the provisions of subarticle (1) shall apply.

(3) Any candidate or election agent who knowingly acts in contravention of this article shall be guilty of an illegal practice.

47. (1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made -

Certain
expenditure to be
illegal practice.

- (a) on account of the conveyance of voters to or from the poll, whether for the hiring of vehicles, or otherwise; or
- (b) to or with a voter on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice.

(2) Subject to such exception as may be allowed in pursuance of this Ordinance, if any payment or contract for payment is knowingly made in contravention of this article either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract knowing the same to be in contravention of this article, shall also be guilty of an illegal practice:

Provided that where it is the ordinary business of a voter as an advertising agent or publisher to exhibit for payment bills and advertisements, a payment to or contract with such voter, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this article.

48. (1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for the purposes or in the capacities following:

Certain
employment to be
illegal.

- (a) one election agent and no more;
- (b) a reasonable number of clerks and messengers, having regard to the area of the electoral division and the number of voters on the electoral register for such division.

(2) Subject to such exception as may be allowed in pursuance of this Ordinance, if any person is engaged or employed in contravention of this article, either before, during or after an election, the person engaging or employing him shall be guilty of an illegal practice.

Saving for
creditors.

49. The provisions of this Ordinance prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense in excess of a certain maximum, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Ordinance.

Return and
declaration
respecting election
expenses.
*Amended by:
L.N. 46 of 1965.*

50. (1) Within thirty-one days after the date of the publication of the result of an election in the Government Gazette, the election agent of every candidate at that election shall transmit to the commissioners a return of the election expenses of such person, containing the particulars specified in the Seventh Schedule to this Ordinance, signed both by the candidate and by his election agent. In the case of the candidate's absence from Malta the duties imposed on him may be performed by a duly appointed representative.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent, or by any persons on behalf of the candidate, or in his interest, for expenses incurred on account of, or in respect of, the conduct and management of the election, and a further statement of all unpaid claims in respect of such expenses, of which he or his election agent is aware.

(3) The return shall be accompanied by declarations to be made on oath before a magistrate by the candidate and his election agent, in the form contained in the Seventh Schedule to this Ordinance.

(4) If any candidate or election agent acts in contravention of the requirements of this article, he shall, subject to the provisions of article 56, be guilty of an illegal practice.

Publication of
notice in respect of
return of election
expenses.
*Amended by:
L.N. 46 of 1965;
XIII. 1983.5;
L.N. 409 of 2007.*

51. When any return of election expenses and the declarations made in respect thereof have been lodged with the commissioners, the commissioners shall, as soon as may be, cause a notice of the date on which the return and the declarations have been lodged, and of the time and place at which they can be inspected to be affixed in some conspicuous place in the commissioner's office and to be published in the Government Gazette, and any person shall be entitled, on payment of a fee of twelve cents (0.12), to inspect any such return or declarations and, on payment of a fee of fourteen cents (0.14) for every folio of 120 words, to obtain a copy or copies of any part thereof.

52. (1) Any person committing an illegal practice shall, on conviction, be liable to a fine (*multa*) not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87) and shall in consequence of such conviction become incapable, during a period of four years from the date of conviction, of being registered as a voter or voting at any election or of being elected a member, and if before that date he has been elected a member, his election shall, subject to the provisions of article 55 of the Constitution of Malta, be vacated from the date of such conviction.

Punishment on conviction for illegal practice.
Amended by:
L.N. 46 of 1965;
LVI. 1974.3;
LVIII. 1974.68;
L.N. 148 of 1975;
XIII. 1983.5;
L.N. 409 of 2007.

(2) No prosecution for an illegal practice shall be instituted without the sanction of the Attorney General.

PART V

CORRUPT PRACTICES

53. Any person who at an election held under this Ordinance applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person or, who having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of personation.

Personation.

54. (1) Any 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 expense 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 give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating.

Treating.

(2) Every voter who corruptly accepts or takes any such food, drink, entertainment, or provision shall also be guilty of the offence of treating.

55. Every person who directly or indirectly, by himself or by any other person 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 device or 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, shall be guilty of the offence of undue influence.

Undue influence.
Amended by:
LVI. 1974.4.

56. The following persons shall be deemed guilty of the offence of bribery:

Bribery.
Amended by:
XXXIV.1961.8;
L.N. 46 of 1965.

(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 such voter having voted or refrained from voting at any election under this Ordinance;

- (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 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 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 under this Ordinance;
- (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 a member of the House, or the vote of any voter at any election under this Ordinance;
- (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 a member of the House or the vote of any voter at any election under this Ordinance;
- (e) every person who advances or pays or causes to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election under this Ordinance, or who shall knowingly pay or cause 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 person being a voter who, before or during any election under this Ordinance, 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 such election;
- (g) every person who, after any election under this Ordinance, 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 other person to vote or to refrain from voting at any such election.

57. (1) Any person who commits the offence of personation, treating, undue influence, or bribery or aids, abets, counsels, or procures the commission of the offence of personation, and any candidate or election agent who knowingly makes the declaration, as to election expenses required by article 50, falsely, shall be guilty of a corrupt practice and shall be liable, on conviction, in the discretion of the court, to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), or to imprisonment for a term not exceeding six months, or to both such fine (*multa*) and imprisonment, and shall in consequence of such conviction become incapable, for a period of seven years from the date of his conviction of being registered as a voter or voting at an election under this Ordinance, or of being elected a member, and if at that date he has been elected member, his election shall, subject to the provisions of article 55 of the Constitution of Malta, be vacated from the date of such conviction.

Punishment and incapacities for corrupt practice.

Amended by:

L.N. 46 of 1965;

LVI. 1974.5;

LVIII. 1974.68;

L.N. 148 of 1975;

XIII. 1983.5;

L.N. 409 of 2007.

(2) No prosecution for a corrupt practice shall be instituted without the sanction of the Attorney General.

(3) For the purposes of this Part of this Ordinance, references to "voting" or to "refraining from voting", or to "giving" or "refraining from giving a vote", shall include references to "voting" or "refraining from voting" in a particular way.

PART VI

EXCUSE FOR CORRUPT AND ILLEGAL PRACTICES

58. The election of a candidate, who has been guilty, by his agents, of the offence of treating and undue influence, and illegal practice, or of any such offences, in reference to such election shall not, by reason of such offences, be declared void, nor shall the candidate be subject to any incapacity under this Ordinance, if the court is satisfied after giving the Attorney General an opportunity of being heard that the candidate has proved -

Reasons exonerating candidates in certain cases of corrupt and illegal practice by agents.

Amended by:

LVIII. 1974.68;

L.N. 148 of 1975.

- (a) that no corrupt or illegal practice was committed at such election by the candidate or his election agent and the offences aforesaid were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent; and
- (b) that such candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election; and
- (c) that the offences aforesaid were of a trivial, unimportant and limited character; and

- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents.

Power of court to except innocent act from being illegal practice, etc.
Amended by:
LVIII. 1974.68;
L.N. 148 of 1975.

59. Where, in any proceedings, it is shown to the court by such evidence as seems to the court sufficient -

- (a) that any act or omission of a candidate at any election, or of his election agent or of any other agent or person, would, by reason of being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Ordinance, or of being a payment, engagement, employment, or contract in contravention of this Ordinance, or of otherwise being in contravention of any of the provisions of this Ordinance, be but for this article an illegal practice; and
- (b) that any such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case, did not arise from any want of good faith,

and under the circumstances it seems to the court, after giving the Attorney General an opportunity of being heard, to be just that the candidate at the said election and other agent and person or any of them, should not be subject to any of the consequences under this Ordinance, the court may allow such act or omission to be an exception from the provisions of this Ordinance which would otherwise make the same an illegal practice, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Ordinance of the said act or omission.

Authorized excuse for non-compliance with provisions as to return and declaration respecting election expenses.
Amended by:
LVIII. 1974.68;
L.N. 148 of 1975.

60. (1) Where the return and declarations respecting election expenses of a candidate at an election have not been transmitted as required by this Ordinance, or being transmitted contain some error or false statement, then -

- (a) if the candidate in any criminal or civil proceedings under this Ordinance proves to the satisfaction of the court that the failure to transmit such return and declarations, or any of them or any part thereof, or any error or false statement therein, has arisen by reason of his illness or of the absence, death, illness or misconduct of his election agent or of any clerk or officer of such agent, or by reason of inadvertence, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the candidate; or
- (b) if the election agent of the candidate proves to the satisfaction of the court that the failure to transmit the return and declarations which he was required to transmit or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior election agent of the candidate or of the absence, death, illness or

misconduct of any clerk or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the election agent,

the court may, after giving the Attorney General an opportunity of being heard, make such order for allowing an authorized excuse for the failure to transmit such return and declarations, or for an error or false statement in such return and declarations, as to the court seems just.

(2) Where in any proceedings it appears to the court that any person being or having been election agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his election agent, respectively, to comply with the provisions of this Ordinance as to the return and declaration respecting election expenses, the court, before making an order allowing the excuse as in this article mentioned, shall order such person to appear, and shall, unless he attends, and shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the court seems just, and to make or deliver the same within such time and to such person and in such manner as the court may direct, or may order him to be examined with respect to such particulars, and in default of compliance with any such order, such person shall be guilty of an illegal practice.

(3) The court may allow the excuse conditionally upon the making of a return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court, seem best calculated for carrying into effect the objects of this Ordinance; and an order allowing an authorized excuse shall relieve the candidate or the election agent, as the case may be, from any liability or consequences under this Ordinance in respect of the matter excused by the order; and where it is proved by the candidate to the court that any act or omission of the election agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate and that the candidate took all reasonable means for preventing such act or omission, the court shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

(4) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Ordinance as the date of the allowance of the excuse.

PART VII

GROUNDS FOR AVOIDING ELECTIONS

Avoidance by
conviction of
candidates.
Amended by:
XXXIV.1961.8;
L.N. 46 of 1965.

61. Subject to the provision of article 55 of the Constitution of Malta the election of a candidate as a member of the House is avoided by his conviction for any corrupt or illegal practice.

Avoidance of
election on other
grounds.
Amended by:
XXXIV.1961.8;
L.N. 46 of 1965.

62. Subject to the provisions of article 55 of the Constitution of Malta where applicable, the election of a candidate as a member of the House shall be declared void on any of the following grounds which may be proved to the satisfaction of the court namely:

- (a) if by reason of general bribery, general treating, or general intimidation, or other misconduct, or other circumstances, the majority of electors were or may have been prevented from electing candidates whom they preferred;
- (b) non-compliance with the provisions of this Ordinance relating to election or of the polling regulations if it appears to the court that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the election;
- (c) that a corrupt practice or an illegal practice was committed in connection with the election by the candidate, or with his knowledge or consent, by any agent of the candidate;
- (d) that the candidate personally engaged a person as his election agent, or as a canvasser or agent knowing that such person had within seven years previous to such engagement been found guilty of a corrupt practice;
- (e) that the candidate was at the time of his election a person disqualified for election as a member.

Repealed by:
XXI 1991.118.

PART VIII

GENERAL PROVISIONS

Articles 63 to 68 were repealed by Act XXI of 1991.

Amended by:
XXXIV. 1961.8;
L.N. 46 of 1965.

FIRST SCHEDULE

Repealed by Act XXI of 1991.

SECOND SCHEDULE

Repealed by Act XXI of 1991.

Amended by:
XXXIV.1961.8;
XXV.1962.5;
L.N. 46 of 1965;
LVIII. 1974.68.

THIRD SCHEDULE

Repealed by Act XXI of 1991.

Amended by:
XXXIV. 1961.8;
L.N. 46 of 1965.
Substituted by:
I.1976.12;
XXVII. 1981.15.

FOURTH SCHEDULE

Repealed by Act XXI of 1991.

Amended by:
XXXIV.1961.8;
L.N. 46 of 1965.

FIFTH SCHEDULE

Repealed by Act XXI of 1991.

Amended by:
XXXIV.1961.8;
L.N. 46 of 1965.

SIXTH SCHEDULE

Repealed by Act XXI of 1991.

Amended by:
XXXIV. 1961.8;
L.N. 46 of 1965.

SEVENTH SCHEDULE

(Article 50 (1))

RETURN OF ELECTION EXPENSES

Amended by:
XIII. 1983.5.
Substituted by:
L.N. 409 of 2007.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security, or equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown:

- (a) the personal expenses of the candidate incurred or paid by him or his election agent;
- (b) the name, and the rate, and total amount of the pay of each person employed as an agent (including the election agent), clerk or messenger;
- (c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;

- (d) the travelling expenses of persons, whether in receipt of a salary or not, incurred in connection with the candidature and whether paid or incurred by the candidate, his election agent, or the person so travelling;
- (e) the cost whether paid or incurred, of:
 - (i) Printing;
 - (ii) advertising;
 - (iii) stationery;
 - (iv) postage;
 - (v) telegrams;
 - (vi) rooms hired either for public meetings or as committee rooms;
- (f) any other miscellaneous expenses, whether paid or incurred.

Note:

(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent or any other person, or remaining unpaid on the date of the return, are to be set out.

(2) For all items over fifty-eight cents, unless from the nature of the case (e.g. postage) a receipt is not obtainable, vouchers have to be attached.

(3) All sums paid out, but for which no receipt is attached, are to be set out in detail with dates of payments.

(4) All sums unpaid are to be set out in a separate list.

FORM OF DECLARATION BY AN ELECTION AGENT

I _____ being election agent for _____, a candidate for election in the _____ Electoral Division, do hereby solemnly swear that the above return of election expenses is true to the best of my knowledge and belief and that, except the expenses therein set out, no expenses of any nature whatsoever have to my knowledge or belief, been incurred in connection with or for the purposes of _____ candidature.

Election Agent.

Sworn before me.

Magistrate.

FORM OF DECLARATION BY CANDIDATE

I _____ being a candidate for
election in the _____ Electoral Division,
do hereby swear that the above return of election expenses is true to
the best of my knowledge and belief, and that, except the expenses
therein set out, no expenses of any nature whatsoever have to my
knowledge or belief been incurred in connection with or for the
purposes of my candidature.

Candidate

Sworn before me.

Magistrate.
