

ANTIGUA AND BARBUDA



**THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 2007**

No. of 2007



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**ARRANGEMENT**

**Sections**

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2. Interpretation.
3. Amendment of section 6 (Functions and duties of the Commission).
4. Amendment of section 15 (Persons entitled to vote).
5. Amendment of section 21 (Registers of electors).
6. Amendment of section 39 (Other offences and penalties).
7. Amendment of section 72 (Prosecutions for corrupt practices).
8. Amendment of regulation 6 (Rules respecting residency).
9. Amendment of regulation 10 (Duties of scrutineer).
10. Amendment of regulation 21 (Appeals to Commission).

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**THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 2007**  
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**AN ACT** to amend the Representation of the People Act Cap 379 and for incidental and connected purposes.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title**

This Act may be cited as the Representation of the People (Amendment) Act, 2007.

**2. Interpretation**

In this Act “the principal Act” means the Representation of the People Act, Cap. 379.

**3. Amendment of section 6**

Section 6 of the principal Act is amended by adding at the end the following subsection—

“(7) Where the Commission is authorised by this Act or by regulations made under this Act to charge a fee for a prescribed service or to make a charge for supplying a document or any other thing, the Commission may specify such fee or charge by Order which shall be published in the Gazette before coming into force.”

**4. Amendment of section 15**

Section 15(5) of the principal Act is amended by deleting the words “to a fine not exceeding five thousand dollars” and substituting the words “on indictment to a fine not exceeding thirty thousand dollars”.

**5. Amendment of section 21**

Section 21 of the principal Act is amended—

- (a) in subsection (2) by inserting after “occupation” the words “(if any)”; and
- (b) by adding at the end the following subsection—

“(7) The absence or the incorrectness of an occupation ascribed to a person in the Register of Electors prepared under subsection (1) shall not invalidate a person’s registration.”

**6. Amendment of section 39**

Section 39 of the principal Act is amended—

- (a) in subsection (1) by inserting the word “or” at the end of paragraph (c) and by adding after paragraph (c) the following paragraph—

“(d) supplies false information in an application for registration under section 18,”; and
- (b) by adding after subsection (1) the following subsection—

“(1a) A person who fraudulently registers more than once as an elector commits an offence and shall be liable on summary conviction to imprisonment for a term of three months or to a fine of ten thousand dollars, or to both.”

**7. Amendment of section 72**

Section 72(2) of the principal Act is amended by deleting the words “three thousand dollars” and substituting the words “twenty thousand dollars”.

**8. Amendment of regulation 6**

Regulation 6(1) of the Registration Regulations set out in the Second Schedule to the principal Act is amended by adding at the end the words “but in any case where the facts of the case are inconclusive in the opinion of the registration officer, the person may specify one of the possible addresses as the place where he resides.”

**9. Amendment of regulation 10**

Regulation 10 of the Registration Regulations set out in the Second Schedule to the principal Act is amended—

- (a) in subregulation (1) by deleting the word “monitor” and substituting the word “observe”; and
- (b) by inserting after subregulation (1) the following subregulation—

“(1a) A scrutineer may not ask any question of, or make any remark to, an applicant for registration and shall comply with instructions given by a registration officer with regard to the scrutineer’s proximity to the registration officer or to an applicant.”

**10. Amendment of regulation 21**

Regulation 21 of the Registration Regulations set out in the Second Schedule to the principal Act is amended by revoking subregulation (4) and substituting the following subregulation—

“(4) The appellant shall appear in person before the Commission and may be accompanied by counsel or any other person who may address the Commission on the appellant’s behalf.”

Passed the House of Representatives on  
the , 2007.

Passed the Senate on the , 2007.

*Speaker.*

*President.*

*Clerk to the House of Representatives.*

*Clerk to the Senate.*

## **Explanatory Memorandum**

**Clause 1** provides the short title

**Clause 2** is an interpretation clause.

**Clause 3** enables the Electoral Commission to charge for supplying copies of documents or for performing services specified in Regulations.

**Clause 4** increases the fine for the offence of voting more than once at an election from \$5,000 to \$30,000.

**Clause 5** clarifies the provision of the Act which requires a person’s occupation to be stated in the Register of Electors, by covering the situation where an elector does not have an occupation and by stating specifically that a lack of a specified occupation or an incorrect description of a person’s occupation in the Register will not invalidate his registration.

**Clause 6** creates two new offences - firstly to supply false information in an application for registration as an elector, and secondly to register more than once as an elector.

**Clause 7** increases the fine for conduct which amounts to corrupt practice from \$3,000 to \$20,000.

**Clause 8** clarifies the situation where a person’s circumstances are such that it is not possible to state with precision where he is resident, by allowing him to specify one of his addresses as that at which he resides for the purposes of the electoral register.

**Clause 9** clarifies and regulates the functions of scrutineers at registration proceedings.

**Clause 10** requires a person to be present at the hearing of his appeal against a decision of the registration officer, but preserves his right to have an advocate at the proceedings to speak for him.

*Justin L. Simon Q.C.  
Hon. Attorney General and  
Minister of Legal Affairs*