

L.N. 203 of 1959

The following Statutory Instrument has been published in the United Kingdom. The provisions of the principal Order which it amends are set out at page F 51 in the 1939 Annual Volume as amended by L.N. 82 of 1956.

1959 No. 1310

OVERSEAS TERRITORIES

The Emergency Powers (Amendment) Order in Council, 1959

Made	28th July, 1959
Laid before Parliament	4th August, 1959
Coming into Operation	5th August, 1959

At the Court of Saint James, the 28th day of July, 1959

Present,

Her Majesty Queen Elizabeth The Queen Mother	
Her Royal Highness The Princess Alexandra of Kent	
Lord President	Mr Brooke
Earl of Selkirk	Mr Aubrey Jones

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And Whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:—

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Alexandra of Kent, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by the British Settlements Acts, 1887 and 1945(a), the Foreign Jurisdiction Act, 1890(b), and otherwise do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Emergency Powers (Amendment) Order in Council, 1959, and shall be construed as one with the Emergency Powers Orders in Council, 1939 and 1956.

(2) The Emergency Powers Orders in Council, 1939 and 1956, and this Order may be cited together as the Emergency Powers Orders in Council, 1939 to 1959.

(3) This Order shall come into operation on the fifth day of August, 1959.

Amendment
of section
2 (1) of the
Emergency
Powers
Order, 1939.

2. Section 2 of the Emergency Powers Order in Council, 1939(a) (hereinafter referred to as "the principal Order") is amended by the deletion of the definition of "Governor" in subsection (1) thereof and the substitution thereof of the following definition—

" "Governor" means, in relation to any territory, the Governor of the territory:

Provided that—

(a) in relation to Basutoland, the Bechuanaland Protectorate and Swaziland, it means Her Majesty's High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland;

(b) in relation to the British Solomon Islands Protectorate, the Central and Southern Line Islands Colony and the Gilbert and Ellice Islands, it means the High Commissioner for the Western Pacific;

(c) in relation to Nigeria, it means the Governor-General of the Federation of Nigeria; and

(d) in relation to Zanzibar, it means the British Resident."

3. Section 2 of the principal Order is further amended by the addition thereto of the following new subsection to follow subsection (1) thereof:—

"(1A) Any reference in this Order to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of the office and shall include, to the extent to which a deputy is authorised to discharge those functions, that deputy."

4. The First Schedule to the principal Order is amended as follows:—

(a) by the insertion after the words "Aden (Colony and Protectorate)" of the word "Basutoland" and by the insertion after that word of the words "Bechuanaland Protectorate";

(b) by the insertion after the words "Somaliland Protectorate" of the word "Swaziland"; and

(c) by the deletion of the following words—

(i) "Gold Coast—

(a) Colony

(b) Ashanti

(c) Northern Territories

(d) Trust territory of Togoland under United Kingdom administration";

(ii) "Malacca"; and

(iii) "Penang".

W. G. AGNEW

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Emergency Powers Order in Council, 1939, by varying the definition of "Governor" and making some changes in the First Schedule to the Order, which sets out the territories to which the Order applies.

Insertion of
a new sub-
section in
section 2 of
the principal
Order.

Amendment
of the First
Schedule to
the principal
Order.

L.N. 204 of 1959

The following Order in Council which has been published in the United Kingdom is published for information.

1959 No. 1303

COLONIAL NAVAL DEFENCE

The Nigerian Navy Order, 1959

Made 28th July, 1959

At the Court of Saint James, the 28th day of July, 1959

Present,

Her Majesty Queen Elizabeth The Queen Mother
Her Royal Highness The Princess Alexandra of Kent

Lord President Mr Brooke

Earl of Selkirk Mr Aubrey Jones

WHEREAS Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two of more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

AND WHEREAS Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

NOW, THEREFORE, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Alexandra of Kent, being authorised thereto by the said Letters Patent, and in exercise of the powers vested in Her Majesty by the Colonial Naval Defence Acts, 1931 and 1949(a), or otherwise in Her vested, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Nigerian Navy Order, 1959.

2.—(1) In this Order the expression "Nigeria" has the meaning assigned to it by subsection (1) of section 2 of the Nigeria (Constitution) Order in Council, 1954(b).

(2) The Interpretation Act, 1889(a), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

3. Approval is hereby given to the provisions of the Ordinance of the Legislature of the Federation of Nigeria entitled the Nigerian Navy (Amendment) Ordinance, 1959, made in exercise of the powers conferred by the Colonial Naval Defence Acts, 1931 and 1949.

W. G. AGNEW

Approval of
the Nigerian
Navy
(Amend-
ment)
Ordinance,
1959.

(a) 21 and 22 Geo. 5.c.9 and 12, 13 and 14 Geo. 6.c.18.

(b) S.I. 1954/1146 (1954 II, p.2829).

(a) 52 and 53 Vict.c.63.

EXPLANATORY NOTE

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(This Note is not part of the Order, but is intended to indicate its general purport)

The purpose of this Order, made in exercise of the powers conferred on the Queen in Council by section 12 (1) of the Colonial Naval Defence Act, 1931, is to confirm the Nigerian Navy (Amendment) Ordinance, 1959, of the Federation of Nigeria, providing for amendment to the code of discipline of the Nigerian Navy.

DEF/S/5305

L.N. 205 of 1959

LAGOS LOCAL GOVERNMENT LAW, 1953

(W.R. Law 4 of 1953)

Variation of Election Regulations Order, 1959

Commencement : 17th September, 1959

In exercise of the powers conferred by section 183 of the Lagos Local Government Law, 1953, the Governor-General, after consultation with the Council of Ministers, has made the following Order—

1. This Order may be cited as the Variation of Election Regulations Order, 1959, and shall apply in respect of the Federal Territory of Lagos.

2. The regulations contained in the Second Schedule to the Law (as varied by the Variation of Election Regulations Order, 1956) are varied in the manner specified in the Schedule hereto.

Citation and application.

Variation of electoral regulations. 1953 W.R. Ann. Vol. p. A152. L.N. 173 of 1956.

SCHEDULE

Regulation Varied

Manner of Variation

1. In the first line of paragraph (a) delete "and of the number of vacancies in the ward".
6. (1) Delete paragraph (1) and substitute—
 "(1) If the number of persons remaining nominated in any ward exceeds one the ballot shall be taken, but if only one person remains nominated in any ward that person shall be deemed to be elected."
- (2) Delete paragraph (3) and substitute—
 "(3) Where no person is or remains nominated in any ward, the Returning Officer shall appoint some other convenient day for the election in that ward."
7. In the fourth line delete "the Chief Electoral Officer".
8. Delete paragraph (1) (b) and substitute—
 "(b) that only one person is to be elected;"
15. (1) In the last line of paragraph (a) delete "as many ballot papers as there are vacancies for election in the ward" and substitute—
 "a ballot paper".

SCHEDULE—continued

Manner of Variation

(2) *Delete paragraphs (d) and (e) and substitute—*

"(d) a voter on receiving a ballot paper shall go immediately into one of the screened compartments in the polling station and shall there secretly record his vote by placing his ballot paper in the ballot box of his choice ;

(e) a voter shall not vote for more than one candidate nor record more than one vote in favour of any candidate ;"

(3) *Delete paragraph (h) and substitute—*

"(h) a voter who is unable to distinguish symbols or who suffers from blindness or any other physical disability preventing his voting may call the Presiding Officer aside and may tell him, no other person being present within hearing, the name or symbol of the candidate for whom he wishes to vote, and the Presiding Officer shall, in the presence of the voter, place the ballot paper in the appropriate ballot box."

MADE at Lagos this 11th day of September, 1959.

MAURICE JENKINS,
*Acting Deputy Secretary to the
Council of Ministers*

EXPLANATORY NOTE

For the purposes of election to the Lagos Town Council, multi-member constituencies have recently been replaced by single-member constituencies. This change necessitates a number of amendments to the Election Regulations and this Order provides accordingly.

SL0242/S. 4

Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959

NORTHERN CAMEROONS PLEBISCITE
REGULATIONS, 1959

ARRANGEMENT OF REGULATIONS

PART I.—PRELIMINARY

1. Citation.
2. Interpretation.

PART II.—PROCEDURE AT PLEBISCITE

3. Notice of plebiscite.
4. Direction of officers as to place in which to exercise functions and powers of officers.
5. Appointment of polling stations.
6. Officers at polling stations.
7. Facilities at polling stations.
8. Ballot boxes.
9. Ballot papers.
10. Polling agents.
11. Preparation of ballot boxes.
12. Issue of ballot papers.
13. Marking of ballot paper, etc.
14. Voter may be questioned.
15. Marking of knuckles, etc.
16. Recording of vote.
17. No mark on ballot paper.
18. Accidental destruction of paper.
19. Blind and other voters.
20. Personal attendance.
21. Appropriate polling station.
22. Officers to be on duty other than at stations of registration where practicable.
23. Officers on duty to be released to cast vote where practicable.
24. Certified extract of Register may be used in certain cases.
25. Declaration as to impersonation.
26. Votes may be protested against.
27. Validity of arrest.
28. Tendered ballot papers.
29. Exclusion of unauthorised persons, and order at polling stations.
30. Removal of persons misconducting themselves.
31. Interruption of plebiscite.

PART III.—TERMINATION OF PLEBISCITE, COUNTING, ETC.

32. Closing of polling station.
33. Method of dealing with ballot boxes and plebiscite papers.
34. Counting agents.
35. Counting of votes.
36. Method of counting.
37. Statement of rejected papers.
38. Returning officer's decision final.
39. Method of dealing with papers.
40. Re-count.
41. Declaration of result.
42. Custody of documents.
43. Secrecy of vote.
44. Absence of United Nations observers or agents not to invalidate proceedings.

PART IV.—PLEBISCITE OFFENCES

45. Personation and punishment therefor.
46. Certain persons guilty of treating.
47. Undue influence.
48. Persons to be deemed guilty of bribery.
49. Punishment of bribery, treating and undue influence.
50. Offences in respect of ballot papers.
51. Dereliction of duty by Plebiscite Officials.
52. Requirement of secrecy.
53. Punishment of persons guilty of certain illegal practices.
54. Voting by unregistered person, removal of ballot paper, etc.
55. Disqualification following certain convictions.
56. Disorderly conduct at the plebiscite.
57. Offences on day of the plebiscite.
58. Improper use of vehicles.
59. Penalties to be maximum penalties and certain penalties cumulative.
60. Attempts to mislead the public in relation to the plebiscite.
61. Interference with lawful public meeting to be an illegal practice.
62. Display of emblem in vicinity of place of voting prohibited.

SCHEDULE

Form 1.—Certificate of Polling Duties.

Form 2.—Certified Extract of Register.

L.N. 206 of 1959

NIGERIA (NORTHERN CAMEROONS PLEBISCITE) ORDER IN COUNCIL, 1959

Northern Cameroons Plebiscite Regulations, 1959

Commencement : 17th September, 1959

In exercise of the powers conferred by section 5 of the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959, the Governor-General has made the following regulations—

PART I.—PRELIMINARY

1. These regulations may be cited as the Northern Cameroons Plebiscite Regulations, 1959, and shall be of Federal application.

Citation and application.

2. In these regulations, unless the context otherwise requires—

Interpretation.

"assistant plebiscite administrator" means a person appointed as such under subsection (3) of section 7 of the Order;

"assistant returning officer" means a person appointed as such under subsection (3) of section 7 of the Order;

"counting office" means a person appointed as such under subsection (3) of section 7 of the Order;

"District" means any District established by section 4 of the Order;

"the Northern Cameroons" bears the same meaning as in the Order;

"the Order" means the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959;

L.N. 175 of 1959.

"the plebiscite" means the plebiscite provided for in the Order;

"the Plebiscite Administrator" means the person appointed under Section 7 of the Order to be responsible for the conduct of the plebiscite;

"polling officer" means a person appointed as such under subsection (3) of section 7 of the Order;

"presiding officer" means a person appointed as such under subsection (3) of section 7 of the Order;

"returning officer" means a person appointed as such under subsection (3) of section 7 of the Order;

"register of voters" means that part of a register of voters prepared under the provisions of the Elections (House of Representatives) Regulations, 1958, which relates to the Northern Cameroons;

L.N. 117 of 1958.

"registration area" means an area designated as such in accordance with the provisions of the Elections (House of Representatives) Regulations, 1958, and which is situate within the Northern Cameroons;

"United Nations observer" means a person appointed to observe the plebiscite on behalf of the United Nations;

"voter" means a person who has been registered on a register of voters.

PART II.—PROCEDURE AT PLEBISCITE

3. The Plebiscite Administrator shall, on or before the twenty-eighth day before the day of the plebiscite, cause to be published in every registration area in such manner as he may think fit a notice specifying—

Notice of plebiscite.

(a) the day and hours fixed for the poll;

(b) the limits of the registration area and an indication of the persons entitled to vote therein;

- (c) the situation of every polling station in each registration area;
- (d) the colour allocated by the Plebiscite Administrator to each alternative on which a vote can be cast; and
- (e) the alternatives on which a vote can be cast at the plebiscite.

Direction of officers as to place in which to exercise functions and powers of officers.

4. (1) The Plebiscite Administrator shall direct for which area or areas assistant plebiscite administrators, returning officers, assistant returning officers, presiding officers and polling officers shall exercise their functions and he may delegate to assistant plebiscite administrators such power in respect of returning officers, assistant returning officers, presiding officers and polling officers.

(2) Subject to any direction of the Plebiscite Administrator, an assistant plebiscite administrator shall have all the powers and may perform any of the duties of the Plebiscite Administrator.

(3) Subject to any direction of the Plebiscite Administrator, an assistant returning officer shall have all the powers and may perform all the duties of a returning officer, but shall be subject to the authority and control of the returning officer appointed in respect of the same District or part thereof.

(4) An assistant plebiscite administrator shall exercise supervision over the performance of the functions of returning officers and polling officers in the area in respect of which they are appointed, and subject to any direction of the Plebiscite Administrator and to the provisions of these regulations may give to such officers directions as to the performance of their functions.

Appointment of polling stations.

5. (1) The Plebiscite Administrator shall appoint a sufficient number of polling stations in each District and allot the voters in the District amongst such polling stations.

(2) The Plebiscite Administrator shall appoint at least one polling station in respect of each registration area and shall allot the voters in such registration area to the appropriate polling station:

Provided that the Plebiscite Administrator shall, as far as appears to him to be practicable, ensure that not more than five hundred voters are required to vote at any one polling station.

Officers at polling stations.

6. (1) There shall, in respect of each polling station, be such number of polling officers as may be necessary, but not less than two, to assist at the taking of the poll.

(2) A polling officer may be authorised by the presiding officer to do any act which the presiding officer is required or authorised to do at a polling station, except that he may not order the arrest of any person or the exclusion or removal of any person from the polling station.

Facilities at polling stations.

7. An assistant plebiscite administrator shall—

(a) ensure that in each polling station there is a compartment in which voters can cast their votes screened from observation;

(b) furnish each presiding officer with such number of ballot boxes and such ballot papers under sealed covers as may be necessary;

(c) provide each polling station with instruments for making an official mark on the ballot papers and with pads impregnated with indelible ink of a distinctive colour;

(d) provide each polling station with copies of the appropriate part of the register of voters;

(e) ensure that a presiding officer shall be in charge of each polling station;

(f) cause to be published in each polling station the colour which has been allocated to each alternative on which a vote can be cast at such polling station; and

(g) do such other acts and things as may be necessary for conducting the plebiscite in the manner provided in these regulations.

8. The ballot boxes shall be so constructed that a ballot paper may be put therein by a voter but may not be withdrawn by him or by any succeeding voter.

Ballot boxes.

9. Every ballot paper shall be in a form prescribed by the Plebiscite Administrator and shall—

Ballot papers.

(a) have a serial number printed or stamped on the back;

(b) be attached to a counterfoil bearing the same serial number as printed or stamped on the back of the ballot paper.

10. (1) Any political party which is accepted by the Plebiscite Administrator as active in the Northern Cameroons at the date of publication of these regulations may not later than the 10th October, 1959, inform the Plebiscite Administrator in writing which of the alternatives on which a vote can be cast is favoured by it.

Polling agents.

(2) The Plebiscite Administrator, after such consultation as he and the United Nations Plebiscite Commissioner shall deem necessary, shall by notice published in the *Official Gazette* of the Federation and in the *Official Gazette* of the Northern Region inform the party or parties in favour of each alternative that they may appoint persons (hereinafter referred to as polling agents) for the purpose of detecting personation, and such notice shall specify the number of polling agents who may be appointed by each party for polling stations generally or for polling stations in a particular area or for any polling station so that however not more than two polling agents may be appointed for any one polling station by the political parties who favour either particular alternative.

(3) Notice in writing of the appointment of polling agents stating their names and addresses, together with the polling station to which each has been assigned, shall be given by the secretary of the party or other person authorised by him to the appropriate assistant plebiscite administrator not later than fourteen days before the day fixed for the plebiscite.

(4) If any polling agent dies or becomes incapable of acting as such, the party may appoint another polling agent in his place and the secretary of the party or other person authorised by him shall forthwith give to the appropriate assistant plebiscite administrator notice in writing of the name and address of the polling agent so appointed.

11. (1) Each ballot box shall have attached to it with a seal a notice showing an alternative on which a vote can be cast at the plebiscite, the colour allocated to that alternative by the Plebiscite Administrator and the polling station, registration area and District in which the box is in use.

Preparation of ballot boxes.

(2) Each ballot box shall be shown to such persons as may be present to be so prepared and to be empty before being locked and sealed and placed in the polling station and before any voting commences, and at the same time the sealed packets of ballot papers shall be opened in the presence of such persons who shall be entitled to inspect them.

(3) When in use for voting the ballot boxes shall be at least one foot away from each other and shall be screened from observation by all persons other than the voter casting his vote.

(4) Each ballot box shall be placed so that it is clearly visible to voters entering the compartment and shall be as far as possible the same distance from the entrance to the compartment where it is placed and facing such entrance and it shall be fixed in such position so that it cannot be moved during the hours of voting.

Issue of
ballot paper.

12. (1) Every voter desiring to cast his vote shall present himself to a polling officer at the polling station in the registration area in which he is registered as being entitled to vote and the polling officer, after satisfying himself that such voter is a person whose name appears on the register of voters in relation to that registration area, and that he has not already voted, shall deliver to him a ballot paper.

L.N. 117 of
1958.

(2) The production to a polling officer of a registration card issued in accordance with regulation 28 of the Elections (House of Representatives) Regulations, 1958, shall entitle the holder to be dealt with by the polling officer prior to any voter then present who is unable to present his card, and such card may be accepted by the polling officer as *prima facie* evidence of the registration of such voter.

(3) Before delivering a ballot paper to a voter, the presiding officer may require the voter to submit to being searched in private by a polling officer or by a person appointed by the presiding officer for the purpose of ensuring that no ballot paper relating to the plebiscite is already in his possession, and if the voter in such case does not submit to a search he shall not be entitled to receive a ballot paper.

Marking of
ballot
paper, etc.

13. Immediately before the polling officer delivers a ballot paper to a voter—

(a) the ballot paper shall be marked or punched with an official secret mark, and shown to any polling agents who are present;

(b) the number, name, address and occupation of the voter as stated in the register of voters or part thereof shall be called out;

(c) the number of the voter in the register of voters shall be marked on the counterfoil; and

(d) a mark shall be placed against the number of the voter in the copy of the register of voters or part thereof to denote that the ballot paper has been received by the voter but without stating the serial number of the ballot paper which has been received.

Voter may
be ques-
tioned.

14. A polling officer may, and shall if required by a polling agent, put to a voter applying for a ballot paper, at the time of his application but not afterwards, the following questions or either of them—

(a) "Are you the person who is on the register of voters as follows . . . ?" (reading the copy of the entry in the register);

(b) "Have you already voted at the plebiscite at this or any other polling station?"

Marking of
knuckles, etc.

15. Immediately before casting his vote, a voter shall submit to having the knuckles of either hand or the lower part of his forearm (whichever the presiding officer may prescribe) marked with ink sufficiently indelible to leave a mark for a period of approximately ten hours.

16. A voter on receiving a ballot paper shall go immediately into a screened compartment in the polling station and shall there secretly cast his vote by placing his ballot paper in the ballot box of his choice, and shall leave the compartment without delay.

Recording of vote.

17. (1) A voter shall not place on the ballot paper any writing or mark by which he may be identified.

No mark on ballot paper.

(2) For the purpose of this regulation a mark resulting from the staining of the voter in accordance with regulation 15 shall not be regarded as a mark of identification.

18. A voter who has accidentally dealt with his ballot paper in such manner that it may not be conveniently used as a ballot paper may, on delivering such ballot paper to the presiding officer, and after satisfying the presiding officer that the ballot paper has been spoilt by accident, obtain another ballot paper in place of the ballot paper delivered up, and the spoilt ballot paper shall be immediately cancelled.

Accidental destruction of ballot paper.

19. (1) A voter who is unable to distinguish colours or who suffers from blindness or from any other physical disability may be accompanied by such friend or relative as he may choose, who shall, after informing the presiding officer, be permitted in the presence of the voter and the presiding officer, to place the ballot paper in the ballot box selected by the voter.

Blind and other voters.

(2) Any friend or relative who accompanies a voter in accordance with paragraph (1) may be required to submit to being searched in accordance with the provisions of paragraph (3) of regulation 12.

20. A vote may not be recorded by a voter except by his attending in person at the polling station and recording his vote in accordance with these regulations.

Personal attendance.

21. Subject to the provisions of regulation 24 no person shall be permitted to vote at any polling station other than the one to which he is allotted.

Appropriate polling station.

22. (1) So far as practicable officers carrying out duties in relation to the plebiscite and police officers on duty at polling stations shall not be allocated to polling stations at which they are entitled to vote.

Officers to be on duty other than at stations of registration where practicable.

(2) Such officers on duty at polling stations at which they are registered as entitled to vote shall so inform the presiding officer who shall himself supervise the formalities necessary for the casting of their votes.

(3) The presiding officer on duty at a polling station at which he is registered as entitled to vote shall before the day of the plebiscite inform an assistant returning officer who shall supervise the formalities necessary for the casting of such presiding officer's vote or nominate a polling officer or some other person so to do.

23. An officer carrying out duties in relation to the plebiscite or a police officer on duty at a polling station shall, if the polling station at which such officer is registered as entitled to vote is not an unreasonable distance away, be permitted to leave the polling station at which he is on duty in order to cast his vote at such time as the presiding officer considers to be reasonable and convenient.

Officer on duty to be released to cast vote where practicable.

Certified
extract of
Register
may be
used in
certain
cases.
Schedule
Forms
1 and 2.

24. (1) Where compliance with paragraph (1) of regulation 22 or with regulation 23 is not practicable, but both polling stations concerned are within the same District, the presiding officer in charge of the polling station where such officer is on duty, shall issue a certificate of polling duties as in Form 1 set out in the Schedule, for presentation to the presiding officer in charge of the polling station where such officer is entitled to vote, and such latter presiding officer may issue in exchange a certified extract as in Form 2 set out in the Schedule, of the register of voters or part thereof in his custody.

(2) Upon the issue of a certified extract by a presiding officer he shall mark the register of voters or part thereof in his custody with some appropriate mark and shall proceed as though the officer concerned had cast his vote, and shall retain the certificate of polling duties which he has received, for delivery with other plebiscite papers in accordance with regulation 33.

(3) Upon receipt of a certified extract from another polling station, the presiding officer shall treat the particulars in such certificate as an addition to the register of voters or part thereof in his custody, and the procedure set out in regulations 12 to 20 shall be followed accordingly to enable any officer whose particulars are included in such certificate to vote at the polling station at which he is on duty.

(4) The presiding officer shall retain such certified extract for delivery with other plebiscite papers in accordance with regulation 33.

Declara-
tion as to
impersona-
tion.

25. If at the time a person applies for a ballot paper, or after he has applied and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of impersonation and undertakes in writing at the time of such declaration to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest such person, and the order of the presiding officer shall be sufficient authority for the police officer to do so.

Votes may
be protes-
ted against.

26. Any person in respect of whom a polling agent makes a declaration in accordance with regulation 25 shall not by reason thereof be prevented from voting but the presiding officer shall cause the words "*protested against for impersonation*" to be placed against that name in the marked copy of the register of voters:

Provided that where a person in respect of whom such declaration is made admits to the presiding officer that he is not the person he holds himself out to be, he shall not be permitted to vote if he has not already done so, and if he has already voted the presiding officer shall make a note of the number of the ballot paper delivered to him, and upon the count being taken, such ballot paper shall be invalid.

Validity of
arrest.

27. A person arrested under the provisions of regulation 25 shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

Tendered
ballot
papers.

28. (1) If a person representing himself to be a voter named in the register of voters applies for a ballot paper after another person has voted in such name, the applicant shall, upon giving satisfactory answers to any questions put to him by a polling officer, be entitled to receive a ballot paper in the same manner as any other voter but such ballot paper (hereinafter referred to as the tendered ballot paper) shall be of a colour different from the ordinary ballot paper and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of voters.

(2) The ballot paper shall then be set aside by the presiding officer in the polling booth in accordance with the wishes of the person voting in one of a number of separate packets each of which shall correspond to the colour of the appropriate ballot boxes, but shall not be counted. The name of the voter and his number in the register of voters shall be entered on a list to be called the tendered votes list and this list shall be admissible in any legal proceedings arising out of the plebiscite.

29. The presiding officer shall regulate the admission of voters to the polling station and shall exclude all other persons except United Nations observers, polling agents, polling officers and any other person who has lawful reason to be admitted, and the presiding officer shall keep order and ensure compliance with these regulations at the polling station.

Exclusion of unauthorised persons, and order at polling stations.

30. If any person misconducts himself at a polling station or fails to obey any lawful order of the presiding officer he may by order of the presiding officer be removed from the polling station by a police officer or any other person authorised so to do in writing by the presiding officer. A person so removed shall not without the permission of the presiding officer again enter the polling station during the day of the plebiscite. Any person so removed may if charged with an offence in such polling station be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant:

Removal of persons misconducting themselves.

Provided that the provisions in this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having the opportunity of so voting.

31 (1) When the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer may adjourn the proceedings until later in the day or until the following day and, after taking such precautions as are necessary to safeguard the ballot boxes and papers and other plebiscite requisites shall forthwith give notice to the assistant plebiscite administrator to this effect who shall notify the Plebiscite Administrator.

Interruption of plebiscite.

(2) When the poll is adjourned at any polling station—

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day,

(b) reference in these regulations to the closing of the poll shall be construed accordingly.

PART III.—TERMINATION OF PLEBISCITE, COUNTING, ETC.

32. When the prescribed hour for the closing of the poll has been reached, the presiding officer shall declare that no more persons shall be admitted to the polling station and thereafter only the persons already inside the polling station, or in the immediate vicinity waiting to enter and vote, shall be permitted to vote.

Closing of polling station.

33. (1) As soon as practicable after the termination of voting the presiding officer shall in the presence of any polling agents in attendance, seal the ballot boxes so as to prevent introduction of additional ballot papers and make up into separate packets sealed with his own seal and marked for identification—

Method of dealing with ballot boxes and plebiscite papers.

(a) the marked copy of the register of voters, together with any certified extracts of the register which he has received from other presiding officers under regulation 24;

- (b) the counterfoils of the used ballot papers;
 - (c) the tendered ballot papers in separate packets relating to each alternative;
 - (d) the tendered votes list;
 - (e) the unused and spoilt ballot papers placed together;
 - (f) the statement of the ballot papers which were noted invalid;
 - (g) any certificates of polling officers' duties he has received from other presiding officers under regulation 24;
- and shall deliver the packets and ballot boxes to the returning officer.

(2) Any ballot papers which are left in the compartment used for voting and which are not inserted in a ballot box shall be cancelled by the presiding officer and shall be delivered to the returning officer sealed up separately.

(3) The packet shall be accompanied by a statement to be called the ballot papers account prepared by the presiding officer stating—

- (a) (i) the number of ballot papers entrusted to him;
- (ii) the number of spoilt ballot papers;
- (iii) the number of unused ballot papers;
- (iv) the number of ballot papers cancelled as being found in the voting compartment outside the ballot boxes;

(b) the number of tendered ballot papers;

(c) the number of persons marked on the register of voters (including any additions deemed to be made thereto in accordance with regulation 24) as having been issued with a ballot paper.

(4) After the ballot papers account has been made up and before the packet is sealed up for delivery to the returning officer, any polling agent may verify the ballot papers account, and any polling agent by whom such verification is made shall sign his name on the ballot papers account.

Counting
agents.

34. (1) Each political party which has been informed that it may appoint polling agents may appoint no more than two persons (hereinafter referred to as counting agents) to attend at the counting of the votes.

(2) Notice in writing of the appointment stating the names and addresses of the counting agents shall be given by the secretary of the party or other person authorised by him to the returning officer not later than one day before the day of the plebiscite and the returning officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom no such notice has been given.

(3) If a counting agent dies, or becomes incapable of acting as such, the party may appoint another counting agent in his place and the secretary of the party or other person authorised by him shall immediately notify the returning officer in writing of the name and address of the counting agent so appointed.

Counting
of votes.

35. (1) The returning officer shall make arrangements for counting the votes at a place to be determined by him in the presence of a United Nations observer and the counting agents who wish to be present as soon as practicable after the termination of the voting and shall, as far as practicable, proceed continuously with the counting, in the presence of a United Nations observer, allowing only reasonable time for refreshment, until it is completed.

(2) The returning officer may if he thinks fit authorise any assistant returning officers or counting officers (but no counting agent) to assist in the counting of the votes and the certifying the same.

(3) Except with the consent of the returning officer, who shall have sole charge of the counting, no person other than the returning officer, the counting officer or officers, assistant returning officers, counting agents and a United Nations observer may be present at the counting of the votes.

Method of counting.

36. (1) The returning officer shall, in the presence of a United Nations observer and the counting agents who wish to be present, open each ballot box one by one. He, shall then proceed, assisted by the counting officers, to count the ballot papers in the boxes and shall record the total number of votes cast in favour of the alternative, the allocated colour of which is shown on the notice attached to the ballot box concerned. While counting the ballot papers the returning officer and counting officers shall keep the ballot papers with their faces upwards.

(2) Any ballot paper which does not bear the official mark shall not be counted.

(3) The returning officer shall endorse the word "rejected" on any ballot paper which under the provisions of paragraph (2) is not to be counted.

(4) The returning officer shall add to such endorsement the words "rejection objected to" if an objection to his decision is made by any counting agent.

37. (1) The returning officer shall then prepare a statement showing the number of ballot papers rejected and shall on request allow any counting agent to copy the statement.

Statement of rejected papers.

(2) No counting agent shall record the number of any rejected ballot paper which he sees during the counting.

38. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final and shall be subject to review only on a voting petition questioning the result.

Returning officer's decision final.

39. At the conclusion of the counting of the votes the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of voters or the sealed packet containing the counterfoils of used ballot papers but shall proceed in the presence of any counting agents who wish to be present to verify the ballot papers account given by the presiding officer by comparing it with the total number of ballot papers recorded and with the number of unused, spoilt and invalid papers delivered to him. The returning officer shall prepare a statement as to the result of the verification and shall on request allow any counting agent to copy such statement. After examination the returning officer shall re-seal the packets containing the unused, spoilt and invalid ballot papers and shall pack and seal those papers which he has rejected.

Method of dealing with papers.

40. A counting agent may, if present when the counting or any re-count of the papers is concluded, require the returning officer to have the votes re-counted or again re-counted but the returning officer shall have power to refuse to do so if, in his opinion, the request is unreasonable, or if the difference exceeds ten per centum of the total votes counted for the District concerned.

Re-count.

41. When the result of the voting has been ascertained, the returning officer shall in respect of each registration area for which he is exercising functions—

Declaration of result.

(a) forthwith publish at the place of counting the number of votes cast in favour of each alternative;

(b) report the result of the voting to the Plebiscite Administrator who shall in turn report through the Governor of the Northern Region to the Governor-General, who shall cause the result of the voting, together with the number of votes recorded for each alternative, to be published in the *Official Gazette* of the Federation and in the *Official Gazette* of the Northern Region.

Custody of documents.

42. (1) Upon the completion of the counting of the votes the returning officer shall arrange with the Plebiscite Administrator for the safe custody of all documents relating to the conduct of the plebiscite.

(2) All such documents shall be destroyed on a date to be notified by the Governor-General being a date not earlier than the 31st day of March, 1960, unless otherwise directed in respect of any registration area by an order of any Court arising from proceedings relating to the plebiscite.

Secrecy of vote.

43. No person who has voted at the plebiscite shall, in any legal proceedings arising out of the plebiscite, be required to state in favour of which alternative he voted.

Absence of United Nations observers or agents not to invalidate proceedings.

44. Where in these regulations any act or thing is required or authorised to be done in the presence of a United Nations observer, a polling agent or a counting agent the non-attendance of any such person at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

PART IV.—PLEBISCITE OFFENCES

Personation and punishment therefor.

45. (1) Any person who, at the plebiscite, applies for a ballot paper in the name of some other person whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at the plebiscite, applies for a second ballot paper in the plebiscite in his own name, shall be guilty of the offence of personation.

(2) Any person who is guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation, shall be liable to a fine of fifty pounds and imprisonment for six months.

(3) A person charged with the offence of personation shall not be convicted except on the evidence of not less than two witnesses.

Certain persons guilty of treating.

46. The following persons shall be guilty of treating—

(a) any person who corruptly, by himself or by any other person, either before, during or after the plebiscite, 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 refrain from voting at the plebiscite, or an account of such person or any other person having voted or refrained from voting at the plebiscite; and

(b) any voter who corruptly accepts or takes any such food, drink, entertainment, or provision.

Undue influence.

47. Any 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 anyone to vote or refrain

from voting, or on account of anyone having voted or refrained from voting, at the plebiscite, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free use of the vote by any voter or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at the plebiscite, shall be guilty of undue influence.

48. The following persons shall be deemed guilty of bribery—

Persons to be deemed guilty of bribery.

(a) any 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 the plebiscite;

(b) any 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 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 the plebiscite;

(c) any 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 to endeavour to procure, the vote of any voter at the plebiscite in favour of a particular alternative;

(d) any person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, or promises or endeavours to procure, the vote of any voter at the plebiscite in favour of a particular alternative;

(e) any 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 the plebiscite, or who 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 the plebiscite;

(f) any voter who before or during the plebiscite, 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 the plebiscite;

(g) any person who, after the plebiscite, 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 refrain from voting at the plebiscite:

Provided that the provisions of this regulation shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning the plebiscite.

49. (1) Any person who is guilty of bribery, treating or undue influence, shall be liable to a fine of one hundred pounds and imprisonment for one year.

Punishment of bribery, treating and undue influence.

(2) Any person who is convicted of bribery, treating, undue influence, or personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation, shall (in addition to any other punishment) be incapable, during a period of five years from the date of his conviction—

(a) of being registered as an elector for any election of members of the House of Representatives or any House of Assembly or of any Provincial Council (established under the Provincial Councils Law, 1959, of the Northern Region), or of any Native Authority Council, local council, town council, or outer council established under the Native Authority Law, 1954, of the Northern Region; and

(b) of being elected as a member of the House of Representatives or any House of Assembly or any such Provincial Council, Native Authority Council, local council, town council or outer council, or, if elected before his conviction, of retaining his seat as such member.

50. (1) Any person who—

(a) forges or counterfeits or fraudulently destroys any ballot paper or official mark on any ballot paper or any certificate or return; or

(b) without due authority supplies any ballot paper to any person; or

(c) fraudulently puts into any ballot box any paper which he is not authorised by law to put in; or

(d) fraudulently takes out of the polling station any ballot paper; or

(e) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the plebiscite,

shall be guilty of an offence and liable to a fine of two hundred pounds and imprisonment for two years.

(2) Any attempt to commit any offence specified in this regulation shall be punishable in the manner in which the offence itself is punishable.

(3) In any prosecution for an offence in relation to ballot papers, ballot boxes and marking instruments at the plebiscite the property in such papers, boxes and instruments may be stated to be in the assistant plebiscite administrator at the plebiscite.

51. Any assistant plebiscite administrator, returning officer, assistant returning officer, presiding officer, polling officer or counting officer who is without reasonable cause guilty of any act or omission in breach of his official duty shall be guilty of an offence and liable to a fine of one hundred pounds and imprisonment for twelve months.

52. (1) Every officer mentioned in regulation 51 and every polling agent and counting agent in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(2) No such person shall, except for some purpose authorised by law, communicate before the poll is closed to any person any information as to the name or number on the register of voters of any voter who has or has not voted at the place of voting.

(3) No person shall—

(a) interfere with a voter recording his vote; or

(b) otherwise obtain or attempt to obtain in a place of voting information as to the particular alternative for which a voter in that place is about to vote or has voted; or

(c) communicate at any time to any person any information obtained in a place of voting as to the particular alternative for which a voter in that place is about to vote or has voted.

N.R. Law
No. 9 of
1959.
N.R. Law
No. 4 of
1954.

Offences in
respect of
ballot
papers, etc.

Dereliction
of duty by
Plebiscite
Officials.

Require-
ment of
secrecy.

(4) If any person acts in contravention of the provisions of this regulation he shall be guilty of an offence and liable to a fine of fifty pounds and imprisonment for six months.

Punishment of persons guilty of certain illegal practices.

53. Any person who votes, or induces or procures any person to vote, at the plebiscite, knowing that he or such person is prohibited by these regulations, or by any other law, from voting at the plebiscite shall be guilty of an illegal practice and liable to a fine of fifty pounds and imprisonment for six months, and shall be incapable, during a period of five years from the date of his conviction, of being registered as an elector at any election of members of the House of Representatives or any House of Assembly or any Provincial Council, Native Authority Council, local council, town council or outer council referred to in paragraph (2) of regulation 49.

54. (1) Any person who—

(a) wilfully and knowingly votes in a District in respect of which his name is not on the register of voters; or

(b) having been issued with a ballot paper in a polling station takes or attempts to take that ballot paper out of the polling station; or

(c) at the plebiscite brings into the polling station a ballot paper issued to another person;

Voting by unregistered person, removal of ballot paper, etc.

shall be guilty of an offence and liable to a fine of fifty pounds and imprisonment for six months.

(2) In order to detect whether an offence under paragraph (1) (b) has been committed the presiding officer at any polling station may require a person who has voted to submit to being searched in private by a polling officer or any other person appointed by the presiding officer for the purpose of ensuring that no ballot paper or papers can be taken out of the polling station.

55. Any person who is convicted of an offence under regulation 50, 52 or 54 shall, in addition to any punishment, be deemed incapable for a period of five years after the date of his conviction—

Disqualification following certain convictions.

(a) of being registered as an elector for any election of members of the House of Representatives or any House of Assembly or of any Provincial Council, Native Authority Council, local council, town council or outer council referred to in paragraph (2) of regulation 49; and (b) of being elected as a member of the House of Representatives or any House of Assembly or any such Provincial Council, Native Authority Council, local council, town council or outer council, or, if elected before his conviction, or retaining his seat as such member.

Disorderly conduct at the plebiscite.

56. Any person who at the plebiscite acts or incites others to act in a disorderly manner for the purpose of preventing or obstructing the conduct of the plebiscite shall be guilty of an offence and liable to a fine of fifty pounds and imprisonment for six months.

Offences on day of the plebiscite.

57. (1) No person shall on the date on which the plebiscite is held commit any of the following acts within a polling station or within a distance of two hundred yards of a polling station namely—

(a) persuading any voter to vote or not to vote for any particular alternative;

(b) persuading any voter not to vote at the plebiscite;

(c) shouting slogans concerning the plebiscite;

(d) being in possession of any offensive weapon or wearing any dress or having any facial or other decoration which is calculated to intimidate voters;

(e) exhibiting, wearing or tendering any notice, symbol, badge, photograph or party card referring to the plebiscite:

Provided that this provision shall not prohibit—

(i) the retention on a vehicle of a flag of a political party if such flag is furled; or

(ii) the showing to a polling officer in a polling station by a voter of a card issued by a political party.

(2) No person shall on the date on which the plebiscite is held—

(a) convene, hold or attend any public meeting; or

(b) operate any megaphone, amplifier or public address apparatus for the purpose of making announcements concerned with the plebiscite (unless he is an officer carrying out duties in relation to the plebiscite and making official announcements).

(3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine of one hundred pounds and imprisonment for one year for each offence:

Improper
use of
vehicles.

58. (1) No person shall provide for the purpose of conveying any person to a polling station any Government or local government or local authority vehicle or boat or any vehicle or boat belonging to a public corporation except in respect of a person who is ordinarily entitled to use such vehicle or boat and upon payment of the usual charges.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and liable to a fine of fifty pounds and imprisonment for six months.

Penalties
to be
maximum
penalties
and certain
penalties
cumula-
tive.

59. Wherever in these regulations a penalty whether of fine or imprisonment is prescribed for an offence the same shall imply that a penalty not exceeding the penalty prescribed may be imposed, and where more than one penalty is prescribed the use of the word "and" shall signify that the penalties may be imposed alternatively or cumulatively.

Attempts to
mislead the
public in
relation to
the
plebiscite.

60. Any person who publishes in writing any matter which is reasonably calculated to deceive the public as to any matter for which these regulations provide shall be guilty of an offence and liable to a fine of twenty-five pounds and imprisonment for three months:

Provided that no prosecution for an offence under the provisions of this regulation shall be commenced without the consent of the Attorney-General of the Federation.

Interference
with lawful
public
meeting to
be an illegal
practice.

61. Any person who at a lawful public meeting, held in connection with the plebiscite, between the date of publication of the notice appointing a day for the holding of the plebiscite under these regulations and the date at which the result of the plebiscite is published, acts or incites others to act in a disorderly manner, for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice and shall be liable to a fine of fifty pounds and to imprisonment for six months and shall be incapable, during a period of five years after the date of his conviction—

(a) of being registered as an elector for any election of members of the House of Representatives or any House of Assembly, or of any Provincial Council, Native Authority Council, local council, town council or outer council referred to in paragraph (2) of regulation 49; and

(b) of being elected as a member of the House of Representatives or any House of Assembly or any such Provincial Council, Native Authority Council, local council, town council or outer council, or, if elected before his conviction, of retaining his seat as such member.

62. (1) No person shall within any building where voting in the plebiscite is in progress, or on any public place within a distance of fifty yards of any entrance to such building, wear or display any card, symbol, favour or other emblem indicating support for a particular political party or particular alternative being put in the plebiscite and no person shall within four hundred yards of any such building make any public address indicating support for such a particular political party or alternative. Any person acting in contravention of this regulation shall be guilty of an offence and shall be liable to a fine of ten pounds.

(2) for the purpose of this regulation "public place" has the same meaning as in section 1 of the Criminal Code.

Display of emblems in vicinity of place of voting prohibited.

Cap. 42
Schedule.

SCHEDULE

(Reg. 24)

Form I

CERTIFICATE OF POLLING DUTIES

To The Presiding Officer,

Polling Station (where proposed voter is registered).

District

Date

1. I certify that

of

whose occupation is

is employed at the Polling Station named below as

and that in my opinion he cannot reasonably and conveniently be released to vote at another Polling Station.

2. Such person states that he is included in the part of the register of voters appropriate to your Polling Station which is in the same District as that named beneath.

3. A certified extract of the register containing particulars relating to the above person is accordingly requested in accordance with regulation 24.

Signed

Presiding Officer

(where proposed voter is employed)

Polling Station

District

I certify that the particulars relating to myself in paragraph 1 above are to the best of my belief correct.

Signed

(Proposed Voter)

FORM 2

CERTIFIED EXTRACT OF REGISTER

To The Presiding Officer,

Polling Station (where proposed voter is employed)

District

Date

1. I certify that the following particulars are contained in the part of the register of voters relating to the above Polling Station---

Name

Address

Occupation

Sex

Number in Register

2. I have no reason to suppose that such particulars do not relate to the person in respect of whom you have issued a Certificate of Polling Duties.

3. No person has cast a vote at the Polling Station named below in respect of this entry in the Register.

4. I have marked the Register appropriately and the voter will be treated in this Polling Station as though he has cast his vote.

Signed

Presiding Officer

(where proposed voter is registered)

Polling Station

District

To the best of my belief the particulars in paragraph 1 above relate to me and I wish to vote at the polling station at which I am on duty.

Signed

(Proposed Voter)

MADE at Lagos, this 12th September, 1959.

M. B. HALL,
Acting Secretary to the
Governor-General

EXPLANATORY NOTE

These regulations provide for procedural and other matters relating to the proposed United Nations Plebiscite to be held in the Northern Cameroons in pursuance of the Northern Cameroons under the United Kingdom Trusteeship (Plebiscite) Order in Council, 1959.

L.N. 207 of 1959

NIGERIA (NORTHERN CAMEROONS PLEBISCITE) ORDER IN COUNCIL, 1959

Northern Cameroons Plebiscite (Voting Petitions) Regulations, 1959

Commencement : 17th September, 1959

In exercise of the powers conferred by section 5 of the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959, the Governor-General has made the following regulations—

1. These regulations may be cited as the Northern Cameroons Plebiscite (Voting Petitions) Regulations, 1959, and shall be of Federal application.

Citation and application

2. In these regulations, unless the context otherwise requires—

Interpretation.

"assistant plebiscite administrator" means a person appointed as such under subsection (3) of section 7 of the Order ;

"the Court" means a Special Court constituted under section 8 of the Order ;

"the Northern Cameroons" bears the same meaning as in the Order ;

"the Order" means the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959 ;

L.N. 175 of 1959.

"the plebiscite" means the plebiscite provided for in the Order ;

"the Plebiscite Administrator" means the person appointed under subsection (1) of section 7 of the Order to be responsible for the conduct of the plebiscite ;

L.N. 117 of 1959.

"register of voters" means that part of a register of voters prepared under the provisions of the Elections (House of Representatives) Regulations, 1958, which relates to the Northern Cameroons ;

"registration area" means an area designated as such in accordance with the provisions of the Elections (House of Representatives) Regulations, 1958, and which is situate in the Northern Cameroons ;

"Regulations" means the Northern Cameroons Plebiscite Regulations, 1959 ;

L.N. 206 of 1959.

"returning officer" means a person appointed as such under subsection (3) of section 7 of the Order ;

"tendered votes list" means the tendered votes list referred to in paragraph (2) of regulation 28 of the Regulations ;

"voter" means a person who has been registered on a register of voters.

3. (1) Any person who—

Lodging of petitions.

(a) complains that any person who was not a registered voter voted in the plebiscite ; or

(b) being a registered voter, complains that his vote was only accepted as a vote on the tendered votes list ; or

(c) complains that any corrupt or illegal practice, bribery, treating or undue influence, within the meaning given to those expressions in the Regulations has taken place in any registration area may petition the Court which exercises jurisdiction in respect of the area to which the petition relates :

Provided that no petition may include matters which relate to more than one registration area.

(2) A petition under the provisions of paragraph (1) of this regulation shall be lodged at the office of the Plebiscite Administrator at Yola, or of the assistant plebiscite administrator at Bama, Mubi or Jada, in quadruplicate, together with such number of additional copies as there are respondents, in the Form 1 in the Schedule to these regulations, within a period of ten days from the date of the plebiscite, and the Plebiscite Administrator shall—

- (a) if required to do so give a receipt for the petition;
- (b) forward the original of the petition to the Court having jurisdiction in respect of the petition;
- (c) forward a copy to the returning officer for the registration area to which the petition relates;
- (d) forward a copy to the United Nations Commissioner; and
- (e) cause a copy to be served on each respondent named in the petition if such person can be found.

4. (1) During the trial of a petition the Court may order the production and inspection of the ballot papers, counterfoils, tendered votes list and register of voters and the production of any such documents or papers which have been enclosed in sealed packets and such sealed packets shall be produced so sealed and opened by the Court:

Provided that in making such an order and carrying it into effect care shall be taken to ensure that the way in which any particular voter voted or wished to vote is not disclosed until it is proved that his vote was given and that the vote is declared by the Court to be invalid or, in a case where it is complained that a vote was only accepted as a vote in the tendered votes list, until it is proved that the person was not entitled to vote.

(2) Upon giving notice to the Court, the Plebiscite Administrator or any person appointed by him for that purpose, shall be entitled, upon such terms as the Court may decide, to be heard upon any matter relating to a petition and to examine witnesses and to call evidence.

5. The decision of the Court on any petition lodged under the provisions of these regulations shall be final.

6. If the Court considers that it has been shown on the trial of a voting petition that any corrupt or illegal practices, bribery, treating or undue influence, within the meaning given to those expressions in the Regulations committed in reference to the plebiscite for the purpose of influencing voters have occurred the Court shall in accordance with subsection (1) of section 10 of the Order transmit its decision and findings to the Plebiscite Administrator.

7. On determining the petition the Court shall give to the Plebiscite Administrator a certificate setting out the number of votes cast in favour of each alternative which the Court has declared to be invalid and the number of votes in favour of each question which the Court has declared should have been counted but which were not counted.

8. Before proceeding to determine any petition the Court shall be satisfied that every person required by these regulations to be served with a copy of such petition has been so served, or if such person cannot be found or has evaded service the Court shall be satisfied that all reasonable efforts have been made to effect service and may in its discretion direct what action, including an order for substituted service, is to be taken to effect service in any particular case.

Schedule.
Form 1.

Trial of
petitions.

Determina-
tion of
petitions.

Powers of
Court.

Certificate
to be
rendered
to the
plebiscite
administra-
tor.

Court may
direct how
service of
petition is
to be
effected.

9. The Court may direct that any person lodging a petition shall give security for costs, in such manner and to such amount as the Court may direct, and where the Court gives such direction no petition shall be entertained until such security is given.

Court may require security for costs.

10. The time and place of trial of each voting petition shall be fixed by the Court and notice in writing thereof shall:—

Notification of time and place of trial.

(a) be posted in a conspicuous place in the vicinity of the place of trial;

(b) be published in the registration area in respect of which the petition is made; and

(c) be sent by post to the petitioner and to each person named as a respondent.

11. The notice of trial may be in the Form 2 in the Schedule hereto.

Notice of trial Schedule Form 2.

12. The Court may from time to time of its own motion or upon the application of any party to the petition, postpone the commencement of the hearing, and during the hearing may adjourn the proceedings from time to time, as to the Court may seem fit.

Court may adjourn from time to time.

13. (1) Upon application made by the petitioner the Court may in its discretion allow the petitioner to amend the petition upon such terms, as to costs or otherwise, as may seem just.

Amendment of petition.

(2) Such application for leave to amend the petition shall be made by motion on notice to each person named in the petition.

14. The Court may order the attendance of any person as a witness upon the hearing of a petition, and for the purposes of compelling the attendance of any person before the Court to give evidence and for the maintenance of order during the hearing, shall have the same powers as the High Court in the exercise of its civil jurisdiction.

Power of Court to summon witnesses, etc.

15. Save as otherwise provided by these regulations the procedure applicable to the trial of an election petition in the High Court under the provisions of the Elections (House of Representatives) Regulations, 1958, shall apply, *mutatis mutandis*, to all matters and questions relating to procedure, admission of evidence and costs, including the taxation of costs, arising during the hearing of or upon the determination of a petition under the provisions of these regulations.

Procedure to be followed, etc.

L.N. 117 of 1958.

16. Any person who by abuse of the process of the Court attempts to impede, frustrate or delay the obtaining of the result of the plebiscite in any registration area shall be guilty of an offence and, in addition to any order for the payment of any costs in any proceedings relating to a petition shall be liable to a fine of one hundred pounds and imprisonment for six months.

Abuse of process of Court to be an offence.

SCHEDULE

Form 1

NORTHERN CAMEROONS UNDER
UNITED KINGDOM TRUSTEESHIP PLEBISCITE
IN THE SPECIAL COURT
FORM OF PETITION

Plebiscite voting in registration area

of the

District in the

Province

The Petition of A.B. of

(here insert a sufficient postal address for effective service of any notice by the Special Court), whose name is subscribed hereto.

1. Your petitioner claims that—

*(a) the person specified below who was not a registered voter voted in the plebiscite in the above named registration area.

Particulars

Name

Address

*(b) being a registered voter, his vote was only accepted as a vote on the tendered votes list for the above registration area.

*(c) the offences specified below, being offences referred to in subparagraph (c) of paragraph (1) of regulation 3 of the Northern Cameroons Plebiscite (Voting Petitions) Regulations, 1959, were committed by the persons named in connection with the holding of the plebiscite in the above named registration area.

Particulars

2. And your petitioner prays that

(here state the action which the petitioner desires that the Special Court shall take).

Signed A.B.

*Delete
whichever
is not
applicable.

FORM 2
NORTHERN CAMEROONS UNDER
UNITED KINGDOM TRUSTEESHIP PLEBISCITE
IN THE SPECIAL COURT
HEARING NOTICE

Plebiscite voting in registration area
of the District in the Province
Petition of of

Take notice that the above petition will be heard at
on the day of
and on such other subsequent days as may be needful.

DATED the day of

Judge
(or Clerk to the Court)

MADE at Lagos this 12th day of September, 1959.

M. B. HALL,
Acting Secretary to the Governor-General

EXPLANATORY NOTE

These regulations provide for the lodging and hearing of petitions relating to disputes concerning the result of the voting at the proposed plebiscite to be held in the Northern Cameroons under the United Kingdom Trusteeship (Plebiscite) Order in Council, 1959.