



REPUBLIC OF NAURU

Electoral Act 1965

As in force from 15 April 2011

This compilation comprises Ordinance No. 7 of 1965 as amended and in force from 15 April 2011 (being, at the time the compilation was prepared on 16 May 2011, the date of commencement of the most recent amendment).

The notes section at the end of the compilation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions.

The operation of amendments that have been incorporated in the text of the compilation may be affected by application provisions that are set out in the notes section at the end of the compilation.

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REPUBLIC OF NAURU

Electoral Act 1965

An Act to provide for the Election of Members of the Parliament of Nauru and for related purposes

PART I — PRELIMINARY MATTERS

1 Short title

This Act may be cited as the *Electoral Act 1965*.

2 [Repealed]

3 Interpretation

In this Act, unless the contrary intention appears:

‘absolute majority of votes’, in relation to the scrutiny of votes cast at a poll for the election of a member for a constituency, means a number greater than the number equal to one-half of the number of ballot-papers other than informal ballot-papers received into the scrutiny;

‘by-election’ means a by-election held for the purpose of electing one member of Parliament to fill a vacancy;

‘candidate’, in relation to an election, means a person nominated as a candidate for election as a member in accordance with section 16;

‘constituency’ means a constituency described in the Second Schedule to the Constitution

‘Court of Disputed Elections’ means the Court mentioned in section 30;

‘declaration’, in relation to an election, means a declaration made under section 28;

‘District’ means each of the following Districts, namely, Aiwo, Anabar, Anibare, Anetan, Baiti, Boe, Buada, Denigomodu, Ewa, Ijuw, Meneng, Nibok, Uaboe or Yaren, being Districts into which Nauru is divided by the customs of the Nauruans;

‘election’ means:

- (a) a general election of members; or
- (b) a supplementary election under section 17; or
- (c) a by-election;

‘elector’ means a Nauruan whose name appears on a roll;

‘member’ means an elected member of the Parliament;

‘Nauruan’ means a person, other than a person who has ceased to be a Nauruan citizen under a law made under Article 75, who is a citizen of Nauru under:

- (a) Article 71, 72, 73 or 74; or
- (b) a law made under Article 75;

‘nomination day’, in relation to an election, means the day fourteen days preceding polling day;

‘petition’ means a petition under section 29;

‘polling day’, in relation to an election, means the day fixed in the writ for the election as the day when the poll is to be taken;

‘polling place’ in relation to an election, means a place at which the poll is to be taken that has been notified under section 18A(b);

‘Registrar’ means the person holding the office of Electoral Registrar under section 4;

‘roll’ means a roll of electors kept in accordance with section 6;

‘vacancy’ means any vacancy occurring in a seat of Parliament other than a vacancy under Article 32(1)(a) of the Constitution.

4 Electoral Registrar

- (1) For the purposes of this Act, there shall at all times be an Electoral Registrar, a Deputy Electoral Registrar and a Returning Officer, each of whom shall be appointed by Cabinet.
- (2) Notice of an appointment made under subsection (1) shall be published in the Gazette.
- (3) A person appointed under subsection (1) has such powers and functions as are conferred on him or her by this Act.
- (4) Subject to the control of the Registrar, the Deputy Electoral Registrar has, and may exercise, all the powers and perform all the functions of the Registrar under this Act.
- (5) Where at any time there is no Electoral Registrar appointed under subsection (1), the Chief Secretary shall be the Electoral Registrar:

Provided that he shall cease to be the Electoral Registrar upon a person being appointed as such under subsection (1).

PART II — CONSTITUENCIES AND ELECTORAL ROLLS

5 Constituencies

The members shall be elected for the respective constituencies as follows:

- (a) Two members for Aiwo;
- (b) Two members for Anabar;
- (c) Two members for Anetan;
- (d) Two members for Boe;
- (e) Two members for Buada;
- (f) Two members for Meneng;
- (g) Four members for Ubenide;
- (h) Two members for Yaren.

5A Presidential residence

- (1) Notwithstanding anything to the contrary herein the President of the Republic of Nauru shall be deemed to be living in that District where he would be living were he not President and be living in State House.
- (2) **'State House'** means the official residence from time to time of the President.

5B Speaker's Residence

- (1) Notwithstanding anything to the contrary herein the Speaker of Parliament of the Republic of Nauru shall be deemed to be living in that District where he would be living were he not the Speaker of Parliament and be living in the Speaker's Residence.
- (2) **'Speaker's Residence'** means the official residence from time to time of the Speaker of Parliament.

6 Registrar to keep rolls

- (1) The Registrar must keep for each District a roll of the names of Nauruans who are entitled to vote at an election.
- (2) If a writ for an election in a constituency has been issued, the roll for a District that comprises or is part of that constituency:
 - (a) closes at midday on the 21st day before polling day; and
 - (b) re-opens on the day immediately following polling day.
- (3) From the time the roll for a District is re-opened until the time the roll is next closed under subsection (2), the roll remains open.

7 Entitlement to enrolment

- (1) Every Nauruan who has attained the age of 20 years is entitled to have his or her name entered on a roll.
- (2) The roll on which a Nauruan is entitled to have his or her name entered is:
 - (a) the roll for the District in which he or she has been living for not less than 2 months, or, if he or she is living outside Nauru, the District in which he or she had been living for

not less than 2 months immediately before he or she ceased to live in Nauru; or

- (b) the roll for the District that is entered in the Register of Births maintained under section 6(1) of the *Births, Deaths and Marriages Act 1957-2009*, or in any register or record of births certified under section 6(3) of that Act, as his or her place of birth.

Note for subsection (2)

Subsection (2) must be read with section 46.

- (3) A Nauruan is entitled to have his or her name entered on the roll of his or her choice if he or she:
 - (a) is unable to satisfy the enrolment requirements of subsection (2)(a) because he or she has never lived:
 - (i) in Nauru; or
 - (ii) in one District for more than 2 months; and
 - (b) is unable to satisfy the enrolment requirements of subsection (2)(b) because he or she:
 - (i) is not registered in the Register of Births; and
 - (ii) does not have a certified District of birth under section 6(3) of the *Births, Deaths and Marriages Act 1957-2009*.

Note for subsection (3)

Subsection (3) must be read with section 9(3).

- (4) A person is not entitled to have his or her name entered on more than one roll at the same time.

8 Application for enrolment

- (1) This section applies to a person whose name is not entered on any roll and who is entitled under section 7 to have his or her name entered on a roll.
- (2) The person may apply to the Registrar in the form prescribed in Schedule 1 to have his or her name entered on a roll on which he or she is entitled to have it entered.

9 Application for transfer of enrolment

- (1) A person may apply to transfer his or her name from the roll for a District to the roll for another District if the person is entitled, under section 7, to have his or her name entered on either roll.
- (2) A person commits an offence if:
 - (a) the person's name is entered on the roll for a District; and
 - (b) the person ceases to be entitled to have the person's name entered on that roll; and
 - (c) the person is entitled under section 7 to have his or her name entered on the roll for another District; and
 - (d) the person does not, within 3 months after the event mentioned in paragraph (b), apply to transfer the person's name to the roll for another District.

Penalty: \$50.

- (3) If a person is entitled under section 7(3) to have the person's name entered on the roll of his or her choice, the person is not entitled to have his or her name transferred to the roll for another District unless the person is entitled to have his or her name entered on the roll for the other District under section 7(2).
- (4) An application for a transfer of enrolment must be:
 - (a) made in the form prescribed in Schedule 2; and
 - (b) accompanied by the prescribed fee.

9A Proof of entitlement to enrolment

- (1) A person who applies to have his or her name entered on or transferred to a roll mentioned in section 7(2)(a) must submit 2 statutory declarations in the form prescribed in Schedule 3 from persons who can attest to the applicant's District of residence and who are qualified under subsection (2).
- (2) A person is qualified to make a statutory declaration for the purposes of subsection (1) if the person is an elector and is:
 - (a) Head of a Department under the *Public Service Act 1998*; or
 - (b) empowered to solemnise marriages under section 20 of the *Births, Deaths and Marriages Act 1957-2009*; or

- (c) admitted to practice as a barrister and solicitor under section 3 of the *Legal Practitioners Act 1973* or as a pleader under section 10 of that Act; or
- (d) registered as a medical practitioner under section 8 of the *Health Practitioners Act 1999*; or
- (e) holds, under the Constitution, the office of Clerk of Parliament, Director of Audit or Ombudsman.

9B Consideration of application for enrolment or transfer

- (1) On receiving an application under section 8 or 9, the Registrar must:
 - (a) if satisfied that the person is entitled to have his or her name entered on the roll on which he or she has applied to have it entered – enter it on that roll; or
 - (b) if not satisfied that the person is entitled to have his or her name entered on the roll on which he or she has applied to have it entered – reject the application and issue a notice under section 9D.
- (2) For subsection (1), to be satisfied that a person is entitled to have his or her name entered on the roll on which he or she has applied to have it entered, the Registrar must:
 - (a) if the application is based on entitlement under section 7(2)(a) – have received 2 validly sworn statutory declarations in accordance with section 9A; and
 - (b) if the application is based on entitlement under section 7(2)(b) – have verified in the Register of Births that the details of registration stated on the application form are correct.
- (3) If a person makes an application based on entitlement under section 7(3), the Registrar:
 - (a) may require the person to provide evidence that the person is entitled to be enrolled under section 7(3); and
 - (b) must make his or her own thorough inquiry into the person's entitlement.

9C Gazettal of enrolment and transfer

Within 5 days after making an entry on a roll under section 9B(1)(a), the Registrar must publish in the Gazette the details of the entry, specifying:

- (a) the name of the person entered on the roll; and
- (b) the name of the District in which the person is enrolled; and
- (c) the grounds of the person's entitlement to be enrolled in that District.

9D Notice of reasons for rejection of application

Where the Registrar rejects an application under section 9B(1)(b), the Registrar must immediately give the applicant a notice in the form prescribed in Schedule 4.

10 Alteration of roll

- (1) The Registrar must strike off a roll the name of a person who:
 - (a) is dead; or
 - (b) is not entitled to have his or her name entered on the roll.
- (2) If the Registrar receives an application for transfer of enrolment from a person who has ceased to be entitled to have his or her name entered on the roll on which it is entered, the Registrar must remove the name of the person from the roll on which it is entered, regardless of whether the application is approved or rejected.
- (3) If the Registrar has struck the name of a person off a roll the Registrar must, unless the person is dead, immediately give the person a notice in the form prescribed in Schedule 5.
- (4) The Registrar must not alter a roll while it is closed under section 6(2), except:
 - (a) to correct an error or omission; or
 - (b) to remove the name of a person under subsection (1); or
 - (c) under an order made by the District Court on an application under section 11.

11 Appeal in relation to enrolment

- (1) This section applies to a Nauruan:
 - (a) whose application to the Registrar to have his or her name entered on the roll for a District has been rejected under section 9B(1)(b); or
 - (b) whose name has been struck off the roll for a District under section 10(1).
- (2) The person may, within one month after receiving notice under section 9D or 10, apply to the District Court for an order directing that his or her name be entered on that roll.
- (3) The Registrar is the respondent on the application.
- (4) The Court must hear and determine the application as soon as practicable.
- (5) The judgment of the Court on the application is final.
- (6) The Registrar of the Court must give the Electoral Registrar a certified copy of the order of the Court.
- (7) The Electoral Registrar must make any entries on the roll for a District that are necessary to give effect to the order.

11A Providing false or misleading information

- (1) A person commits an offence if:
 - (a) the person makes an application under section 8 or 9; and
 - (b) the application contains false or misleading information; and
 - (c) the person:
 - (i) knows the information is false or misleading; or
 - (ii) is reckless about whether the information is false or misleading.

Penalty: \$5,000 and imprisonment for 5 years.

- (2) A person commits an offence if:
- (a) the person provides, in support of another person's application under section 8 or 9, a statutory declaration attesting to the other person's place of residence; and
 - (b) the statutory declaration contains false or misleading information; and
 - (c) the person:
 - (i) knows the information is false or misleading; or
 - (ii) is reckless about whether the information is false or misleading.

Penalty: \$5,000 and imprisonment for 5 years.

PART IIA – ELECTORS

12 Electors

- (1) A person is an elector for a constituency if the person's name appears on the roll for a District that comprises or is part of the constituency.
 - (1A) An elector is entitled to vote at the election of a member or members for the constituency for which he is an elector.
 - (2) An elector must vote at each election of a member or members for the District for which he or she is an elector unless the elector:
 - (a) is absent from Nauru on polling day; or
 - (b) is unable to vote because he or she is seriously ill or infirm; or
 - (c) has another valid and sufficient reason for not voting.
- Penalty: \$50.
- (3) The Returning Officer shall, as soon as possible after polling day, prepare a list of the names and descriptions of the electors who appear not to have voted at the election, and shall certify the list by writing under his hand.
 - (4) The list so certified is evidence of the fact that an elector whose name appears in it did not vote at the election.

13 Notice to electors who fail to vote

- (1) There shall, within one month after polling day at an election, be sent to each elector whose name appears on the certified list of electors referred to in section 12(3) a notice in accordance with the form in Schedule 6.
- (2) An elector to whom a notice has been sent under subsection (1) must, within the time specified in the notice (which must not be less than 14 days from the date on which the notice is sent), complete, sign in the presence of a witness who is an elector or a person qualified to be an elector, and return to the Returning Officer, a reply in accordance with the form in Schedule 7.

Penalty: \$50.

- (3) If the elector to whom a notice under this section is addressed is unable, by reason of absence from his place of living or physical incapacity, to complete, sign and return the reply as required by this section, any other elector having personal knowledge of the facts may complete, sign in the presence of a witness who is an elector or a person qualified to be an elector, and return the form on behalf of the absent or incapacitated elector and the elector to whom the notice has been sent shall then be deemed to have complied with subsection (2).
- (4) An elector shall not state in a reply returned in pursuance of this section a false reason for his failure to vote.

Penalty: \$50.

- (5) An elector who makes, in pursuance of this section, a reply on behalf of another elector shall not state in the reply returned in pursuance of this section a false reason for the failure of that other elector to vote.

Penalty: \$50.

14 Action where reason considered insufficient

- (1) Where a reply under section 13 states a reason for the failure of an elector to vote, which, in the opinion of the Returning Officer, is not a valid and sufficient reason for that failure, the Returning Officer shall submit the facts to the Chief Secretary.
- (2) Proceedings for an offence against section 12 shall not be instituted except with the written consent of the Chief Secretary.

PART III — THE WRIT AND NOMINATIONS

15 Writ for elections

- (1) Where Parliament has been dissolved or a member has died or vacated his seat in accordance with Article 32 of the Constitution, the Speaker shall, subject in the case of a general election to compliance with Article 39, within fourteen days of such dissolution, death or vacation cause a writ for the holding of an election in accordance with Form A or Form B of Schedule 8, as the case requires, to be issued to the Returning Officer not later than four weeks before the polling day fixed by the Speaker in the writ.
- (2) The Returning Officer shall publish in the Gazette the particulars of the writ, and the dates of the nomination day and the day when the rolls will be closed for the election.

16 Nomination of candidate

- (1) No person may be nominated as a candidate for election as a member for a constituency:
 - (a) until every roll for that constituency has been closed in accordance with section 6(2); and
 - (b) unless his name is entered on the roll for the District which comprises, or is included in, that constituency.
- (2) A Nauruan qualified to be elected as a member may be nominated as a candidate for election as a member for a constituency by delivering to the Returning Officer not later than noon on the day 14 days before polling day a written nomination of the person as a candidate in accordance with subsection (2A).
- (2A) A written nomination of a person as a candidate must be:
 - (a) made in the form prescribed in Schedule 9; and
 - (b) signed by 2 or more electors for the constituency for which the candidate is nominated; and
 - (c) signed by the candidate; and
 - (d) accompanied by the prescribed fee.

- (3) A person who has been nominated as a candidate for election as a member may, by notice in writing given to the Returning Officer not less than 7 days before the date on which the election is to be held, withdraw his candidature for that election.

17 Failure of election

- (1) For the purposes of this section, an election for a constituency fails if:
 - (a) the required number of candidates for the constituency is not nominated or is not returned as elected; or
 - (b) after the day on which the names of the candidates are published in accordance with section 18A(a) and before the closing of the poll a candidate dies.
- (2) Subject to this Act, where an election for a constituency fails, a new writ shall be immediately issued by the Speaker for a supplementary election for that constituency.
- (3) Where an election for a constituency fails in consequence of the death of a candidate, the supplementary election shall be held on the rolls that were prepared for the purpose of the election that failed.

18 Candidates who are unopposed to be declared elected

If the number of candidates for a constituency is not greater than the number of members to be elected for that constituency, the Returning Officer shall declare the candidate or candidates duly elected.

18A Publicising candidates and dates and places of poll

The Returning Officer must, on nomination day or as soon as possible after that day, by notice exhibited in a conspicuous place at or near the building known as the Government Offices, Nauru, and by notice in the Gazette, publish:

- (a) the names of the candidates and the electors by whom they have been nominated; and
- (b) if the number of candidates for a constituency is greater than the number of members to be elected – the date fixed by the Speaker in the writ as the date on which the poll is to be taken and the places determined by the

Returning Officer as the places at which the poll is to be taken in each District.

18B Determining order of candidates on ballot paper

- (1) As soon as practicable after the close of the period for withdrawal of nominations under section 16(3), the Returning Officer must for each constituency for which an election is to be held:
 - (a) invite all candidates to attend the determination of the order of candidates on the ballot paper at a specified place and time; and
 - (b) at the specified place and time:
 - (i) place in a container the same number of pieces of paper as there are candidates for the constituency, each piece of paper bearing a consecutive number (starting with '1') and being folded in such manner that it is not possible to see the number; and
 - (ii) invite each candidate in turn to draw one piece of paper from the container; and
 - (iii) after all candidates present have drawn a piece of paper, draw a piece of paper from the container on behalf of each candidate who is not present.
- (2) Candidates must be listed on a ballot paper in the order that corresponds to the number drawn by or on behalf of each candidate under subsection (1).

PART IV — THE POLLING

19 Election to be held by ballot

- (1) Subject to section 18, every election shall be by ballot and the voting shall commence at 11 o'clock in the morning of polling day and shall close at 6 o'clock in the afternoon of the same day.
- (2) The poll shall be taken at the place or places in each District notified by the Returning Officer in accordance with section 18A.
- (3) The Returning Officer shall appoint a person to act as presiding officer at each polling place.

20 Compartments for voting

- (1) At each polling place, there shall be one or more separate voting compartments.
- (1A) The presiding officer must ensure, all times during voting hours, that each voting compartment contains a pen, affixed to the voting compartment, for use by electors.
- (2) A person who is not an elector about to mark his ballot-paper shall not enter such a compartment during the poll.

Penalty: \$20.

21 Ballot-papers and ballot-boxes

- (1) A presiding officer shall be provided with a sufficient number of ballot-papers in accordance with the form prescribed in Schedule 10, and shall initial the back of those ballot-papers before he delivers them to electors who are about to vote at the polling place at which he presides.
- (2) The presiding officer shall also be provided with a ballot-box, in the top of which there shall be an opening sufficiently large to permit a folded ballot-paper to be placed in the ballot-box.
- (3) The presiding officer shall lock the ballot-box before the polling commences and the ballot-box shall not be opened during the election except in accordance with section 26(a).
- (4) The presiding officer shall retain the key to the ballot-box until he hands it to the Returning Officer for the purposes of section 26(a).

22 Method of voting

- (1) Subject to this Act, an elector is not entitled to vote at a polling place other than a polling place in the District in which he or she is enrolled.
- (2) Subject to section 23, the presiding officer must deliver to each elector claiming to vote a ballot-paper initialled in accordance with section 21(1).
- (3) When he has received a ballot-paper in accordance with subsection (2), an elector shall enter a voting compartment and, without leaving it, mark his vote on the ballot-paper, then fold the ballot-paper so as to conceal his vote and openly, in the

presence of the presiding officer, place the ballot-paper in the ballot-box.

- (4) If an elector cannot read or his sight is so impaired that he cannot vote without assistance, the presiding officer may, at the request of the elector, mark in accordance with the wishes of the elector, fold and deposit the elector's ballot-paper for him.

23 Presiding officer may ask certain questions

- (1) The presiding officer may ask an elector who claims to vote the following questions:
 - (a) 'Are you the person whose name appears as (the name of the elector) on the roll of persons entitled to vote at an election of members for (the name of the constituency or the names of the Districts included in the constituency)?';
 - (b) 'Are you qualified to vote at this election of members for (the name of the constituency or the names of the Districts included in the constituency)?'; and
 - (c) 'Have you already voted at this election?'.
- (2) The presiding officer is not entitled to ask such an elector any other questions in relation to his claim to vote at the election.
- (3) A person who refuses to answer any question referred to in subsection (1), or who fails to answer questions (a) and (b) so referred to in the affirmative and question (c) so referred to in the negative, shall not be permitted to vote.
- (4) A person shall not make a false answer to a question asked in accordance with subsection (1).

Penalty: \$100 and imprisonment for one month.

PART V — THE SCRUTINY

24 The scrutiny

- (1) The result of the polling shall be ascertained by scrutiny.
- (2) The Returning Officer may appoint a presiding officer or other person to assist in the conduct of the scrutiny.

25 Informal ballot-papers

- (1) Subject to the next succeeding subsection, a ballot-paper is informal if:
 - (a) it is not authenticated by the initials of the presiding officer in accordance with section 21(1);
 - (b) it has no vote indicated on it or it does not indicate the elector's first preference for one candidate and his contingent votes for all the remaining candidates; or
 - (c) it has on it any mark or writing (not authorised by this Act to be put on it) by which, in the opinion of the Returning Officer, the elector can be identified.
- (2) If there are 2 names specified on a ballot-paper and an elector has indicated his or her vote on the ballot-paper by placing the figure '1' in the square opposite to the name of one candidate and has left the other square blank, the ballot-paper is not informal by reason only of subsection (1)(b).
- (2A) An elector is taken to have indicated that the elector's preference for a candidate (the '**remaining candidate**') is the elector's last preference if:
 - (a) there are more than two names specified on a ballot-paper; and
 - (b) the elector has indicated on the ballot-paper his or her first preference for one candidate and his or her contingent votes for each other candidate except the remaining candidate; and
 - (c) the square opposite the remaining candidate has been left blank.
- (3) Notwithstanding subsection (1)(c), a ballot-paper is not informal by reason only of the fact that a mark or writing has been placed on it by the Returning Officer.
- (4) A ballot-paper is not informal for any reason other than the reasons specified in this section, but is to be given effect according to the elector's intention so far as that intention is clear.

26 Scrutiny of ballot-papers

As soon as practicable after the close of the poll, the presiding officer at each polling place shall bring the locked ballot-box from that place to the Returning Officer, who shall, in the presence of the presiding officer:

- (a) open the ballot-box;
- (b) identify and reject all informal ballot-papers;
- (c) record the number of informal ballot-papers and unrejected ballot-papers respectively; and
- (d) place in a separate parcel all ballot-papers that have been rejected as informal.

27A *[Repealed]*

26A Counting of votes in election

- (1) This section and section 26B apply to the counting of votes marked on unrejected ballot-papers in any election except a by-election.
- (2) For each constituency the Returning Officer must:
 - (a) ascertain the total number of first preference votes, second preference votes and third preference votes, and so on, cast for each candidate and make a list of the total number of such preference votes;
 - (b) give the value of unity to each first preference vote, one half to each second preference vote, one third to each third preference vote, and so on, the value of each preference vote being the reciprocal of the number of the preference indicated by the elector; and
 - (c) add the values of the votes for each candidate and make out and sign a statement specifying the total value of the preference votes for the candidate.

26B Determination of result of election

- (1) In a constituency returning 2 members, the 2 candidates receiving the highest total value of votes calculated under section 26A are elected.

- (2) In a constituency returning 3 members, the 3 candidates receiving the highest total value of votes calculated in accordance with section 26A are elected.
- (3) In a constituency returning 4 members, the 4 candidates receiving the highest total value of votes calculated in accordance with section 26A are elected.
- (4) If 2 or more candidates receive an equal value of votes and one or more of the candidates must be excluded, the Returning Officer must determine under section 27A the candidate or candidates to be excluded.

27 Counting of votes and determination of result of by-election

- (1) In respect of votes marked on unrejected ballot-papers in a by-election, the Returning Officer:
 - (a) shall ascertain the total number of first preference votes given for each candidate; and
 - (b) shall make out and sign a statement setting out the number of first preference votes given for each candidate, and certify, by endorsement on the copy of the writ received by him, the like particulars.
- (2) The candidate who has received the largest number of first preference votes is, if that number constitutes an absolute majority of votes, elected as a member for the constituency for which he was a candidate for election.
- (3) If no candidate has received an absolute majority of first preference votes, the Returning Officer shall proceed with the scrutiny and the counting of votes as follows:
 - (a) a second count of the ballot-papers shall be made;
 - (b) on the second count the candidate who has received the fewest first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in order of the elector's preference;
 - (c) if a candidate then has an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his ballot-papers to the unexcluded candidate next in order of the elector's preference shall be repeated until one candidate has received an absolute majority of votes; and

- (d) the candidate who has then received an absolute majority of votes shall be elected for that constituency.
- (4) *[Repealed]*
- (5) If on any count two or more candidates have an equal number of votes and one of them has to be excluded, the Returning Officer must determine under section 27A the candidate to be excluded.

27A Determination of exclusion of candidate

- (1) In this section:

‘relevant candidate’ means a candidate who may be excluded as a result of the Returning Officer’s determination.
- (2) If the Returning Officer is required, under section 26B(4) or 27(5), to determine a candidate or candidates to be excluded, the Returning Officer must:
 - (a) in relation to each relevant candidate, deduct from the total value of the votes received by the candidate the value that was derived from last preference votes; and
 - (b) identify which of the relevant candidates has the highest remaining value of votes after making the deduction; and
 - (c) exclude each other relevant candidate.
- (3) If, after making the deduction, the remaining value of votes for each of the relevant candidates remains equal, the Returning Officer must repeat the procedure of deduction in respect of second-last preference votes, third-last preference votes, and so on, until it is possible to identify one candidate with the highest remaining value of votes and to exclude the other relevant candidate or candidates.
- (4) If it is not possible to exclude any candidate under subsection (2) or (3) because the preference votes received by each of the relevant candidates are equal in every respect, the Returning Officer must determine by lot a candidate or candidates to be excluded, using a random method of selection such as:
 - (a) tossing a coin; or
 - (b) drawing the names out of a container in such manner that the Returning Officer cannot see which names he or she is drawing.

- (5) A determination by lot under subsection (4) must be made in the presence of each of the relevant candidates.

28 Declaration of election

As soon as possible after the result of an election is ascertained, the Returning Officer shall, by notice exhibited in a conspicuous place at or near the building known as the Government Offices, Nauru, and by notice in the Gazette, declare:

- (a) the result of the election;
- (b) the name or names of the candidate or candidates elected;
- (c) the number of formal votes cast; and
- (d) the number of informal votes.

PART VI — DISPUTED ELECTIONS

29 Method of disputing elections and declarations

The validity of an election or the declaration of an election may be disputed by petition addressed to the Court of Disputed Elections and not otherwise:

Provided that, where the validity of an election or the declaration of an election is disputed, the person or persons named in the Returning Officer's notice published under section 28 as the candidate or candidates elected shall, notwithstanding that the Court of Disputed Elections may declare that he was, or they were, not duly elected, for all purposes be deemed, until such declaration is made, to be a member or members, as the case may be, duly elected.

30 The Court of Disputed Elections

The Supreme Court is the Court of Disputed Elections and shall, subject to this Part, hear and determine a petition.

31 Requisites of petition

A petition disputing an election or the declaration of an election:

- (a) shall set out the facts relied on to invalidate the election or the declaration of the election;
- (b) shall contain a prayer asking for the relief to which the petitioner claims to be entitled;
- (c) shall be signed by a candidate at the election or by a person who was qualified to vote at the election;
- (d) shall be attested by two witnesses; and
- (e) shall be filed in the registry of the Supreme Court within 40 days after the publication in the Gazette of the notice in relation to the election in accordance with section 28.

32 Deposit as security for costs

At the time of filing the petition, the petitioner shall deposit with the Registrar of the Supreme Court an amount of \$200 as security for costs.

33 Proceedings may be stayed unless requisites complied with

The Supreme Court may, on the application of a respondent to a petition, order a stay of proceedings if the petitioner has failed to comply with section 31 or section 32.

34 Returning Officer entitled to enter appearance

- (1) The Returning Officer is entitled, by leave of the Court of Disputed Elections, to enter an appearance in any proceedings before the Court relating to a petition and to be represented and heard in those proceedings.
- (2) Where the Returning Officer enters an appearance in accordance with the last preceding subsection, he shall be deemed to be a party respondent to the petition.

35 Power of Court

- (1) The Court of Disputed Elections shall sit as an open Court and its powers shall include the following:
 - (a) to adjourn;
 - (b) to compel the attendance of witnesses and the production of documents;
 - (c) to grant to a party to a petition leave to inspect, in the presence of the Electoral Registrar, the rolls and other documents (except ballot-papers) used at or in connection with an election and to take, in the presence of the Electoral Registrar, extracts from those rolls and other documents;
 - (d) to examine witnesses on oath;
 - (e) to declare that a person who has been declared to be elected under section 28 was not duly elected;
 - (f) to declare a candidate duly elected who has not been declared to be elected under section 28 ;
 - (g) to declare an election for a constituency absolutely void;
 - (h) to dismiss or uphold a petition in whole or in part; and
 - (i) to award costs.
- (2) The Court of Disputed Elections may exercise all or any of its powers under this section on such grounds as the Court in its discretion thinks just and sufficient.

36 Inquiries by Court

The Court of Disputed Elections shall not inquire into the correctness of a roll.

37 Real justice to be observed

The Court of Disputed Elections shall be guided by good conscience and the substantial merits of each case without regard to legal forms and technicalities and is not bound by any rules of evidence.

38 Decisions to be final

The decisions of the Court of Disputed Elections are final and conclusive and shall not be questioned in any way.

39 Costs

The Court of Disputed Elections may award costs against an unsuccessful party to a petition.

40 Deposit applicable for costs

If costs are awarded to a party against a petition, the deposit made by the petitioner under section 32 may be applied in payment of the sum ordered, but otherwise the deposit is repayable to the petitioner.

41 Other costs

All other costs awarded by the Court of Disputed Elections, including the balance above the deposit made by a petitioner, are recoverable as if the order of the Court of Disputed Elections were a judgment of the Supreme Court.

42 Effect of decision of Court

- (1) Where the Court of Disputed Elections declares that a person who has been declared to be elected under section 28 was not duly elected, he shall be deemed not to have been elected.
- (2) Where the Court of Disputed Elections declares a candidate duly elected who has not been declared to be elected under section 28, he shall be deemed to have been elected.
- (3) Where the Court of Disputed Elections declares an election for a constituency void, the election for that constituency shall be deemed to have failed.

PART VII – SPECIAL PROVISIONS APPLYING TO REFERENDA

43 Qualification to vote

- (1) For Article 84(4), a person is taken to be qualified to vote at an election of members at the time a referendum is held if the person's name appears on a roll at midnight on the 6th working day immediately before the date of the referendum.
- (2) In this section:

‘working day’ means a day other than Saturday, Sunday or a public holiday.

Note for section 43

Under Article 84(4), a person who, at the time the referendum is held, is qualified to vote at an election of members of Parliament, is entitled to vote at a referendum held for the purposes of Article 84.

Example for section 43

If the date of a referendum held for the purposes of Article 84 is Saturday 14 November, a person is entitled to vote at the referendum if the person's name appears on a roll at midnight on Friday 6 November.

PART VIII – ADMINISTRATIVE PROVISIONS

44 Cabinet may make regulations

- (1) Cabinet may make regulations under this Act.
- (2) The regulations may provide for the following matters:
 - (a) voting by proxy;
 - (b) voting by people who are unable to attend a polling place;
 - (c) the fees for:
 - (i) applications for transfer of enrolment; and
 - (ii) nomination of candidates; and
 - (iii) any other application made or service provided under this Act;

- (d) any other matter necessary or convenient for giving effect to this Act.

PART IX – TRANSITIONAL PROVISIONS

45 Definitions

In this Part:

‘commencement date’ means the date on which the *Electoral (Amendment) Act 2011* commences;

‘pre-amendment Act’ means the *Electoral Act 2007-2009* as in force immediately before the commencement date;

‘post-amendment Act’ means this *Electoral Act 1965* as in force on the commencement date.

46 Effect of amendments on existing enrolment

- (2) Despite section 7(2), if, immediately before the commencement date, a person’s name is entered on the roll for a District other than one to which he or she is entitled under section 7(2) to have his or her name entered:
 - (a) the person is entitled to have his or her name remain on that roll; and
 - (b) any application for transfer of enrolment under section 9 made after the commencement date is subject to section 7(2).

47 Transitional regulations

- (1) The regulations may make provision (a **‘transitional regulation’**) about a matter for which:
 - (a) it is necessary to make provision to achieve the transition from the operation of the pre-amendment Act to the post-amendment Act; and
 - (b) the post-amendment Act does not make provision or sufficient provision.
- (2) A transitional regulation may have retrospective operation to a date not earlier than the commencement date.

- (3) However, to the extent a transitional regulation has retrospective operation, it must not operate to the disadvantage of a person (other than the Republic) by detrimentally affecting the person's rights or imposing liabilities on the person.
- (4) This section expires 12 months after the commencement date.

SCHEDULE 1

Section 8(2)

REPUBLIC OF NAURU
ELECTORAL ACT 1965

APPLICATION FOR ENROLMENT

NAME (in full):

DATE AND YEAR OF BIRTH:

ANY NAME FORMERLY USED:

TO THE ELECTORAL REGISTRAR, NAURU:

1. I am a Nauruan citizen.
2. [I have been living for not less than two months*/Immediately before my departure from Nauru I had been living for not less than two months] in the District of.....
3. My place of birth was registered as the District of.....
4. I have attained the age of 20 years.
5. My name is at present not entered on any roll.
- 6.† I apply to have my name entered on the roll for the District of
- 7.^ I attach two statutory declarations in accordance with section 9A of the *Electoral Act*.

I declare that all the statements made in this application are true to the best of my knowledge.

Signature of Applicant:

Date:

* Delete whichever is not applicable.

† The applicant may apply to have his/her name entered on the roll in respect of either of the following:

- (a) the District in which he or she has been living for not less than 2 months or, if he or she is living outside Nauru, the District in which he or she had been living for not less than two months immediately before he or she ceased to live in Nauru; or
- (b) the District registered as the place of his or her birth;

BUT THE APPLICANT MUST NOT APPLY FOR THE APPLICANT'S NAME TO BE ENTERED ON THE ROLL OF MORE THAN ONE DISTRICT.

^ This is a requirement only if the applicant is applying to have his/her name entered on the roll for a District on the basis of residence; it is not required for applicants seeking to enrol on the basis of registration at birth.

SCHEDULE 2

Section 9(4)

REPUBLIC OF NAURU
ELECTORAL ACT 1965

APPLICATION FOR TRANSFER OF ENROLMENT

NAME (in full):

DATE AND YEAR OF BIRTH:

ANY NAME FORMERLY USED:

TO THE ELECTORAL REGISTRAR, NAURU:

1. I am a Nauruan citizen.
2. [I have been living for not less than two months*/Immediately before my departure from Nauru I had been living for not less than two months] in the District of.....
3. My place of birth was registered as the District of.....
4. I have attained the age of 20 years.
5. My name is at present entered on the roll for the District of.....
- 6.† I apply to have my name transferred to the roll for the District of
- 7.^ I attach two statutory declarations in accordance with section 9A of the *Electoral Act*.
8. I attach a receipt for payment of the prescribed fee.

I declare that all the statements made in this application are true to the best of my knowledge.

Signature of Applicant:

Date:

* Delete whichever is not applicable.

† The applicant may apply to have his/her name entered on the roll in respect of either of the following:

(a) the District in which he or she has been living for not less than 2 months or, if he or she is living outside Nauru, the District in which he or she had been living for not less than two months immediately before he or she ceased to live in Nauru; or

(b) the District registered as the place of his or her birth;

BUT THE APPLICANT MUST NOT APPLY FOR THE APPLICANT'S NAME TO BE ENTERED ON THE ROLL OF MORE THAN ONE DISTRICT.

^ This is a requirement only if the applicant is applying to have his/her name entered on the roll for a District on the basis of residence; it is not required for applicants seeking to enrol on the basis of registration at birth.

SCHEDULE 3

Section 9A(1)

REPUBLIC OF NAURU
ELECTORAL ACT 1965

**REPUBLIC OF NAURU
STATUTORY DECLARATION
IN SUPPORT OF APPLICATION FOR ENROLMENT OR TRANSFER**

I (name)..... of (address).....,
(occupation)..... do solemnly and sincerely declare that:

1. I have been asked by (name of applicant for enrolment or transfer)
to make this declaration in support of his/her application for enrolment or transfer under
section 8 or 9 of the Electoral Act 1965;
2. I have known the applicant for (time).....;
3. I can attest from my own personal knowledge that [the applicant lives in
District, and that the applicant has lived there for at least 2 months*/immediately before the
applicant ceased to live in Nauru, he or she had been living in
District for at least 2 months];
4. I am aware that the penalty under section 15 of the *Oaths, Affirmations and Statutory
Declarations Act 1976* for wilfully making a false statement in a statutory declaration is
imprisonment for 5 years, and that the penalty under 11A of the *Electoral Act 1965* for
intentionally or recklessly making a statutory declaration that contains false or misleading
information is \$5,000 and imprisonment for 5 years;

And I make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory
Declarations Act 1976* conscientiously believing the statements therein to be true in every
particular.

Signed:

Declared at this day of,

Before me: (Signature)

(Title)

* Delete whichever is not applicable

Note: any person making a false statement in a statutory declaration is guilty of an offence and
is liable to imprisonment for 5 years.

As in force from 15 April 2011

SCHEDULE 4

Section 9D

REPUBLIC OF NAURU
ELECTORAL ACT 1965

NOTICE OF REASONS FOR REJECTION OF APPLICATION

TO: (name of applicant)

I am writing to notify you that your application under section 8*/section 9 of the *Electoral Act 1965* to have your name entered on the roll for (District) has been rejected.

The reasons for the rejection of your application are: (state reasons)

You are entitled to appeal to the District Court against this decision. If you wish to appeal you must do so within one month after receiving this notice.

Signed:
Electoral Registrar
(Date)

* *Delete whichever is not applicable*

SCHEDULE 5

Section 10(3)

REPUBLIC OF NAURU
ELECTORAL ACT 1965

NOTICE OF REASONS FOR REMOVAL FROM ELECTORAL ROLL

TO: (name of person struck off roll)

I am writing to notify you that your name has been removed from the roll for (District)
..... ..

The reasons for the removal of your name are: (state reasons)

You are entitled to appeal to the District Court against this decision. If you wish to appeal you must do so within one month after receiving this notice.

Signed:
Electoral Registrar
(Date)

SCHEDULE 6

Section 13(1)

REPUBLIC OF NAURU
ELECTORAL ACT 1965

District of.....

Number on Roll.....

NOTICE TO AN ELECTOR WHO APPEARS TO HAVE FAILED TO VOTE

TO: (Name).....

(Address).....

You are notified that you appear to have failed to vote at the election held under the *Electoral Act 1965* on (date) and you are called upon to give the true reason why you failed to vote.

You are required to:

- (a) state, in the form attached, the true reason why you failed to vote;
- (b) complete and personally sign the form, and have it witnessed by an elector or a person qualified to be an elector; and
- (c) return the form to reach me on or before (date)

NOTE:

1. An elector who:

- (a) fails to vote at an election without a valid and sufficient reason for that failure; or
- (b) on receipt of this notice, fails to complete, sign and return within the time specified in the notice, the form (duly witnessed) attached to it; or
- (c) states in that form a false reason for not having voted or, in the case of an elector completing the form on behalf of any other elector, states in that form a false reason why that other elector did not vote,

is guilty of an offence and is, on conviction, liable to a penalty not exceeding \$50.

2. If the elector to whom this notice is addressed is unable, by reason of absence from his place of living or physical incapacity, to complete, sign and return the attached form within the time specified in this notice, any other elector who has personal knowledge of the facts may complete, sign and return the form duly witnessed, and the completing, signing and returning of the form will be treated as compliance by the first-mentioned elector with the requirements of this notice.

Signed:
Returning Officer
(Date)

As in force from 15 April 2011

SCHEDULE 7

Section 13(2)

REPUBLIC OF NAURU
ELECTORAL ACT 1965

District of :

FORM OF DECLARATION TO BE COMPLETED AND RETURNED TO THE RETURNING OFFICER, NAURU

I, declare that the following is the true reason why I*
..... failed to vote at the election held under the *Electoral
Act 1965*, on (date)..... .

†

(Personal signature of Elector)

I, the undersigned, being an elector or a person qualified to be an elector, certify that I have seen the abovementioned elector sign the above declaration.

(Signature of Witness in own
handwriting)

(Occupation)

(Address)

Date

* Where this form is filled in on behalf of an absent or physically incapacitated elector, the word "I" must be struck out, and the name of the absent or incapacitated elector inserted.

† Here set out the precise and true reason for having failed to vote.

As in force from 15 April 2011

SCHEDULE 8

Section 15(1)

REPUBLIC OF NAURU
ELECTORAL ACT 1965

FORM A

WRIT FOR A GENERAL ELECTION OF MEMBERS OF PARLIAMENT FOR THE REPUBLIC OF NAURU

To the Returning Officer

This is to command you to cause elections to be made according to law of members to serve in Parliament for the Republic of Nauru, and I appoint (date) to be the date when the poll (if any) for the purposes of the elections will be taken.

GIVEN under my hand at Nauru, this (date)

Speaker of Parliament

FORM B

Section 15(1)

REPUBLIC OF NAURU
ELECTORAL ACT 1965

WRIT FOR AN ELECTION OF A MEMBER OF PARLIAMENT FOR THE REPUBLIC OF NAURU TO FILL A VACANCY

To the Returning Officer

This is to command you to cause an election to be made according to law of member(s) of Parliament for the Republic of Nauru to fill the vacant office of member(s) for the Constituency/ies, and I appoint (date) to be the date when the poll (if any) for the purposes of the election will be taken.

GIVEN under my hand at Nauru, this (date)

Speaker of Parliament

SCHEDULE 9

Section 16(2A)

REPUBLIC OF NAURU
ELECTORAL ACT 1965

NOMINATION OF CANDIDATE FOR ELECTION AS A MEMBER OF PARLIAMENT

We nominate * of †

to be a candidate for election as a Member of Parliament for the Constituency of

.....

Dated (date)

.....
(name and signature of Elector)

.....
(name and signature of Elector)

I consent to the above nomination and attach evidence of payment of the prescribed fee.

Dated (date)

.....
(signature of Candidate)

* Insert in full the names of the candidate.

† Insert name of District in which candidate is enrolled.

SCHEDULE 10

Section 21(1)

REPUBLIC OF NAURU
ELECTORAL ACT 1965

BALLOT-PAPER

Constituency of

Election of [a Member/2 Members/3 Members/4 Members]* of Parliament for Nauru.

CANDIDATES

☐

.....

☐

.....

☐

.....

☐

.....

☐

.....

DIRECTIONS TO ELECTORS

Mark your vote on this ballot-paper by placing the numbers (*here insert "1 and 2" where there are two candidates, "1, 2 and 3" where there three candidates, "1, 2, 3 and 4" where there four candidates and so on as the cases require*) in the squares respectively opposite to the names of the candidates so as to indicate the order of your preference for them.

Notes for Electoral Act 1965

Table of Constituent Legislation

Ordinances and Orders

Citation	Number	Made	Gazettal	Commencement
<i>Electoral Ordinance 1965</i>	1965/07	24.12.1965	24.12.1965	24.12.1965
<i>Ordinances Revision Ordinance 1967</i>	1967/25	29.12.1967	29.12.1967	29.12.1967 (GN 316/1967)
<i>Adaptation of Laws Order 1969</i>	GN 188/1969	09.10.1969	13.10.1969	31.01.1968

Acts

Short title	Number	Certification	Commencement
<i>Electoral Ordinance Amendment Act 1970</i>	1970/10	20.11.1970	20.11.1970
<i>Electoral Amendment Act 1973</i>	1973/15	08.11.1973	08.11.1973
<i>Electoral Amendment Act 1992</i>	1992/07	16.09.1992	16.09.1992
<i>Electoral Act (Amendment) Act 2007</i>	2007/06	28.06.2007	01.07.2007
<i>Referendum Procedures Act 2009</i>	2009/14	27.11.2009	27.11.2009
<i>Electoral (Amendment) Act 2011</i>	2011/04	15.04.2011	15.04.2011

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Long title	am. by Act 2011/04
Section 1	Short title am. (see also 1966.06) by Ord. 1967/25, Act 1970/10, Act 1973/15, Act 1992/07, Act 2007/06, Act 2009 rs. by Act 2011/04.
Section 2	rep. by Act 2011/04
Section 3	Am. by Ord. 1967/25, Act 1970/10, Act 1973/15, Act 2011/04.
Section 4	Subs. (1) am. by Act 2011/04. Subs. (2) am. by Act 2011/04. Subs. (3) am. by Act 2011/04. Subs. (4) am. by Act 2011/04. Subs. (5) ad. by Act 1973/15.
Section 5	Rs. by Act 1970/10.
Section 5A	Ad. by Act 1970/10.

Electoral Act 1965

Provision affected	How affected
Section 6	Former subs. (1) am. by Act 1973/15. Former subs. (2) rep. by Act 1973/15. Subs. (1) am. by Act 2011/04. Subs. (2) ad. by Act 2011/04. Subs. (3) ad. by Act 2011/04.
Section 7	Rs. by Act 2011/04.
Section 7A	Ad. by Act 1973/15. Rep. by Act 2011/04.
Section 8	Former subs. (1) rs. by Act 1970/10, am. by Act 1973/15. Former subs. (2) rep. by Act 1973/1. Rs. by Act 2011/04.
Section 9	Rs. by Act 1973/15. Rs. by Act 2011/04.
Section 9A	Ad. by Act 2007/06. Rs. by Act 2011/04.
Section 9B	Ad. by Act 2011/04.
Section 9C	Ad. by Act 2011/04.
Section 9D	Ad. by Act 2011/04.
Section 10	Subs. (1) am. by Act 1970/10. Subs. (2) am. by Act 1973/15. Rs. by Act 2011/04.
Section 11	Subs. (3) am. by Act 1973/15. Rs. by Act 2011/04.
Section 11A	Ad. by Act 2011/04.
Section 12	Former subs. (1) am. by Act 1973/15. Subs (1) ad. by Act 2011/04. Subs (1A) (former subs. (1)) am. by Act 2011/04. Subs. (2) am. by Ord. 1967/25, rs. by Act 2011/04.
Section 13	Penalty am by Ord. 1967/25. Subs. (1) am. by Act 2011/04. Subs. (2) am. by Act 2011/04 (ad. penalty). Subs. (3) am. by Act 2011/04. Subs. (4) am. by Act 2011/04 (ad. penalty) Subs. (5) (penalty) am. by Act 2011/04.
Section 14	Subs. (1) am. by Act 1973/15, Act 2011/04. Subs. (2) am. by Act 1973/15, Act 2011/04.
Section 15	Subs. (1) rs. by Act 1973/15, am. by Act 2011/04. Subs. (2) am. by Act 2011/04.
Section 16	Subs. (1) rs. by Act 1973/15, am. by Act 2011/04. Subs. (2) rs. by Act 1973/15, rs. by Act 2011/04. Subs. (2A) ad. by Act 2007/06, rs. by Act 2011/04. Subs. (2B) ad. by Act 2007/06, rep. by Act 2011/04. Subs. (3) ad. by Act 1973/15, am. by Act 2011/04.
Section 17	Subs. (1) am. by Act 2011/04. Subs. (2) am. by Act 1973/15, Act 2011/04.

Electoral Act 1965

Provision affected	How affected
	Subs. (3) am. by Act 2011/04.
Section 18	Former subs. (1) am. by Act 2011/04 Subs. (2) rep. by Act 2011/04.
Section 18A	Ad. by Act 2011/04.
Section 18B	Ad. by Act 2011/04.
Section 19	Subs. (1) am. by Act 2011/04. Subs. (2) am. by Act 2011/04.
Section 20	Subs. (1A) ad. by Act 2011/04. Subs. (2) am by Ord. 1967/25, Act 2011/04 (penalty).
Section 21	Subs. (1) am. by Act 2011/04. Subs. (3) am. by Act 2011/04. Subs. (4) am. by Act 2011/04.
Section 22	Am. by Ord. 1967/25. Subs. (1) rs. by Act 2011/04. Subs. (2) rs. by Act 2011/04. Subs. (3) am. by Act 2011/04.
Section 23	Subs. (1) am. by Act 2011/04. Subs. (3) am. by Act 2011/04. Subs. (4) am. by Ord. 1967/25, Act 2011/04.
Section 25	Subs. (1) am. by Act 2011/04. Subs. (2) rs. by Act 2011/04. Subs. (2A) ad. by Act 2011/04. Subs. (3) am. by Act 2011/04.
Section 26	Am. by Act 2011/04.
Former section 27A	Ad. by Act 1970/10, rep. by Act 2011/04.
Section 26A	Ad. by Act 2011/04.
Section 26B	Ad. by Act 2011/04.
Section 27	Subs. (1) am. by Act 2011/04. Subs. (2) am. by Act 2011/04. Subs. (3) am. by Act 2011/04. Subs. (4) rep. by Act 2011/04. Subs. (5) am. by Act 2011/04.
Section 27A	Ad. by Act 2011/04.
Section 28	Am. by Act 2011/04.
Section 29	Am. by Act 1973/15, Act 2011/04.
Section 30	Am. by GN 1969/188.
Section 31	Am. by GN 1969/188, Act 2011/04.
Section 32	Am. by GN 1969/188, Act 2011/04.
Section 33	Am. by GN 1969/188, Act 2011/04.
Section 35	Am. by Act 2011/04.

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Provision affected	How affected
Section 40	Am. by Act 2011/04.
Section 41	Am. by GN 1969/188.
Section 42	Subs. (1) am. by Act 2011/04. Subs. (2) am. by Act 2011/04. Subs. (3) am. by Act 2011/04.
Part VII	Ad. by Act 2009/14.
Section 43	Ad. by Act 2009/14.
Part VIII	Ad. by Act 2011/04.
Section 44	Ad. by Act 2011/04.
Part IX	Ad. by Act 2011/04.
Section 45	Ad. by Act 2011/04.
Section 46	Ad. by Act 2011/04.
Section 47	Ad. by Act 2011/04.
Former Schedule	Form 1 rs. by Act 1973/15, am. by Act 2007/06. Form 2 am. by Ord. 1967/25, Act 1973/15. Form 3 am. by Act 1973/15. Form 4 am. by Act 1973/15. Form 5 am. by Act 1973/15. Form 6 am. by Act 1973/15, Act 2007/06. Form 7 am. by Act 1973/15. Form 8 ad. by Act 1973/15. Form 9 ad. by Act 1973/15. Form 10 ad. by Act 1973/15. Rep. by Act 2011/04
Schedule 1	Ad. by Act 2011/04.
Schedule 2	Ad. by Act 2011/04.
Schedule 3	Ad. by Act 2011/04.
Schedule 4	Ad. by Act 2011/04.
Schedule 5	Ad. by Act 2011/04.
Schedule 6	Ad. by Act 2011/04.
Schedule 7	Ad. by Act 2011/04.
Schedule 8	Ad. by Act 2011/04.
Schedule 9	Ad. by Act 2011/04.
Schedule 10	Ad. by Act 2011/04.