

THE PARLIAMENTARY ELECTION AMENDMENT ACT 1997



**BERMUDA
1997 : 22**

THE PARLIAMENTARY ELECTION AMENDMENT ACT 1997

[Date of Assent 11 July 1997]

[Operative Date 11 July 1997]

WHEREAS it is expedient to amend the Parliamentary Election Act 1978 to allow elections to be postponed in certain circumstances:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

Short title

1 This Act may be cited as the Parliamentary Election Amendment Act 1997.

Amendment of s 27 of Act No 23 of 1978

2 Subsections (4) and (5) of section 27 of the Parliamentary Election Act 1978 ("the Act") are amended by inserting next after the word "shall", where it appears for the second time in each subsection, the words ", subject to section 27A,".

Insertion of new section 27A in Act

3 The following section is inserted in the Act next after section 27—

THE PARLIAMENTARY ELECTION AMENDMENT ACT 1997

"Power to postpone elections

27A (1) Where at any time between the issue of a writ of election and the polling day appointed by that writ the Governor is satisfied that it is expedient so to do by reason of—

- (a) Bermuda having become, or being likely to become, engaged in any war; or
- (b) a state of emergency having been proclaimed under section 14(3) of the Constitution; or
- (c) the occurrence of an earthquake, hurricane, flood or fire, or the outbreak of a pestilence or an infectious disease or other calamity whether similar to the foregoing or not; or
- (d) the likelihood that the voters' list will not be available before the polling day; or
- (e) the occurrence of rioting, open violence or other civil disturbance which has caused, or is likely to cause, such interruption or abandonment of the electoral process as to prejudice the holding of a fair election,

he may by proclamation published in the Gazette cancel the polling day appointed by the writ and appoint another day, not being more than thirty days after that day (but subject in any event to the limits set forth in section 51(1) and (2) of the Constitution), to be the polling day instead.

(2) A proclamation under this section made by virtue of paragraph (c), (d) or (e) of subsection (1) may be expressed to apply to all the constituencies of Bermuda, or to one or more of those constituencies specified in the proclamation; and, where such a proclamation is expressed to apply to a particular constituency or to particular constituencies, the proclamation shall not affect any appointment of a polling day, or the operation of this Act as respects any such appointment, in relation to any other constituency.

(3) The writ of election relating to a constituency to which a proclamation made under this section applies shall be deemed to have been amended by substituting the polling day appointed by the proclamation for the polling day appointed by that writ.

(4) Where a proclamation under this section is made before the day appointed by the writ of election in question as

THE PARLIAMENTARY ELECTION AMENDMENT ACT 1997

the nomination day, the nomination day shall be deemed postponed until the fourteenth day next preceding the polling day appointed by the proclamation.

(5) Where a proclamation under this section is made after the day appointed by the writ of election in question as the nomination day, the postponement by the proclamation of the polling day shall not affect any nomination that was made on nomination day, and no further nomination may be made.

(6) Where the polling day or the nomination day appointed by a writ of election ("the original day") is postponed by virtue of this section to another day ("the substitute day"), any reference in this Act or in any Rules made under this Act to the original day shall, if the context so requires, be construed as a reference to the substitute day and not the original day.

(7) Where the polling day appointed by a writ of election is postponed by a proclamation by virtue of this section, the Governor may by that proclamation or by a later proclamation published in the Gazette if, in his opinion, the election room appointed by the writ ("the original election room") will not be available for the purposes of the election, appoint another election room (a "substitute election room") for those purposes instead; and, where a substitute election room has been so appointed, any reference in this Act or in any Rules made under this Act to the original election room shall, if the context so requires, be construed as a reference to the substitute election room and not the original election room."