Revised Regulations of Anguilla: E31-2

ELECTION ACT (R.S.A. c. E31)

ELECTION PETITION RULES

Note: These Regulations are enabled under section 103 of the Elections Act, R.S.A. c. E31.

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SCHEDULE: Forms

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ELECTION PETITION RULES

Interpretation

1. In these Rules—

"Court of Appeal" means the Court of Appeal of the Eastern Caribbean Supreme Court established by the Supreme Court Order 1967;

"Court office" means the Registry of the High Court;

"election petition" or "petition" means a petition complaining of an undue return or undue election of a member of the House of Assembly presented to the High Court under the Elections Act and these Rules;

"illegal practice" means any act committed resulting in, or intended to result in or has the potential to result in the undue election of a candidate;

"petitioner" means a person who presents a petition to the High Court under these Rules;

"respondent" means a person against whom a petition is presented to the High Court.

The petition

2. (1) A petition shall be in the form specified as Form 1 of the Schedule and—

(a) be signed by the petitioner or, if more than one, by all the petitioners;

(b) state the right of the petitioner to petition within section 72 of the Act;

(c) state the date and result of the election to which the petition relates;

(d) state the grounds on which relief is sought, setting out with sufficient particularity the facts relied on to sustain the prayer, but not the evidence by which they are to be proved;

(e) be divided into consecutively numbered paragraphs, each of which, as much as possible, shall be confined to a distinct portion of the subject; and

(f) conclude with a prayer, setting out particulars of the relief sought, for instance, that a specified person should be declared duly returned or elected, or that the election should be declared void, or that a return may be enforced.

(2) Evidence shall not be stated in the petition.

Particulars of illegal practice

3. (1) The judge may order, on an application in the manner prescribed as Form 2 in the Schedule, that such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial in the same way as in ordinary proceedings in the Court and on such terms as to costs and otherwise be delivered by the petitioner.

(2) Where an allegation is made against a person for the commission of an illegal practice under the Act, that allegation shall be made in the manner prescribed in Form 3 of the Schedule and the particulars shall include—

(a) the name of the person in the petition against whom the alleged illegal practice was committed;

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(b) the name, address, telephone number and occupation on the register of the person who is alleged to have committed the illegal practice; and

(c) the details of the alleged illegal practice including—

(i) the nature of the illegal practice,

(ii) the time of the commission of the illegal practice, and

(iii) the place where the illegal practice was committed.

(3) In any case in which the judge orders that particulars of any complaint made in a petition be delivered to the respondent, he may fix the time within which the particulars shall be delivered and may also order that the petitioner, at the trial of the petition, may be precluded from going into any case in respect of which the particulars have not been duly delivered, unless it is otherwise ordered.

Petitioner to give address for service

4. The petitioner shall in his petition give the name and address of a legal practitioner whom he authorises to act on his behalf, or state that he acts for himself, and in either case give an address for service within 3 miles of the office of the Registrar.

Presentation of petition

5. (1) A petition shall be presented in accordance with section 79 of the Act.

(2) The petitioner shall file the petition along with 3 copies of it at the Court office and the Registrar or his deputy or clerk shall give a receipt for it.

Publication of notice of the presentation of the petition

6. The Registrar shall, on presentation of the petition, immediately cause a notice of the presentation of the petition in the manner prescribed in Form 4 of the Schedule, to be published in the *Gazette* and in a newspaper of general circulation in Anguilla.

Service of petition

7. (1) The petitioner shall, within 10 days after the presentation of the petition, serve the petition on the respondent by delivering a notice of the presentation of the petition together with a copy of the petition to the respondent personally.

(2) Notwithstanding subsection (1), a judge may—

(a) on an application by the petitioner within 14 days of the presentation of the petition; and

(b) supported by affidavit showing what has been done;

and on being satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, order that what has been done shall be considered sufficient service, subject to any conditions which he may think fit to impose.

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(3) Where a respondent is evading service, the petitioner may apply, in the manner prescribed on Form 5 in the Schedule, to the judge, for an order deeming that a notice stating that the petition has been presented, the name of the petitioner, the prayer and the nature of the proposed security is personal service on the respondent if the notice is—

(a) posted in the office of the Registrar; or

(b) published in a newspaper of general circulation in Anguilla.

(4) The application under subsection (3) shall be supported by evidence on affidavit.

(5) A respondent shall, within 10 days after service on him of the notice of the petition, lodge with the Registrar and serve on the petitioner a statement of particulars of an address for service similar to those required under section 4 to be stated by a petitioner, and he shall state the said particulars in any application made by him for the purpose of objecting to the security given by the petitioner or otherwise.

Security for costs

8. (1) Where security for the payment of all costs, charges and expenses and any recognisance entered into pursuant to section 79(1)(c) and (d) of the Act are made, same shall be entered on Form 6 of the Schedule and shall contain the name and usual place of abode of each surety with sufficient description as shall enable him to be found or ascertained.

(2) Within 3 days after the giving of security as required by this section, notice of the nature of the security given shall be served by the petitioner on the respondent.

(3) When the security is given wholly or partly by recognisance, it is lawful for the respondent within 10 days from the date of service on him of the notice to object to the recognisance on the ground that—

(a) one or more of the sureties is insufficient;

(b) a surety is dead;

(c) a surety cannot be found or ascertained for want of sufficient description in the recognisance; or

(d) a person named in the recognisance has not duly acknowledged the same.

(4) An objection to the security shall be made by application, in the manner prescribed in Form 7 of the Schedule before a judge, supported by affidavit of the facts relied on, but the judge may require the person giving evidence on affidavit to attend for personal examination.

(5) The application shall be made with not less than 4 days notice to the petitioner and the costs of the application shall be in the discretion of the judge who may decide which party shall pay them.

(6) The petitioner shall pay the costs of hearing and deciding an objection on the ground of insufficiency of a security unless at the time of leaving the recognisance with the Registrar the petitioner also left with the Registrar an affidavit sworn by each surety before a justice of the peace, or other person duly authorised to administer oaths, that he is possessed of immovable property of the value of double the amount for which he is bound by the recognisance, after satisfying all other debts and liabilities due to other persons.

Removal of objection where security declared insufficient

9. (1) If on an application under section 8, an order, in the manner prescribed as Form 8 in the Schedule, is made declaring the security insufficient and the objection allowed, the petitioner may, within a time not

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exceeding 10 days as may be ordered by the judge before whom the application is heard, deposit with the Court a sum of money as the judge may direct for the purpose of making the security sufficient.

(2) If the petitioner does not deposit the sum of money as directed by the order of the judge, no further proceedings shall be taken on the petition and the application stands dismissed.

When petition at issue

10. If on the application under section 8, an order in the manner prescribed as Form 8 in the Schedule is made declaring the security sufficient, or if no objection is made to the sufficiency of the security within the time limited by these Rules for making the objection, the petition shall be at issue.

Amendment of petition

11. (1) A petition which has been presented—

(a) questioning a return or election other than on an allegation of an illegal practice; or

(b) questioning the return or election on an allegation of an illegal practice;

may be amended with the leave of the Court.

(2) An application for leave to amend shall be made to the Court in the manner prescribed as Form 9 in the Schedule and in accordance with the Act.

Withdrawal of petition

12. (1) A petition may be withdrawn with the leave of the Court.

(2) No application under subsection (1) shall be made for the withdrawal of a petition until the petitioner has given notice in the manner prescribed in Forms 10 and 11 in the Schedule, of his intention to the Registrar and the respondent, and the Registrar shall immediately cause the notice to be published in the *Gazette* and in a newspaper of general circulation in Anguilla and an application for leave of the Court shall be made in the manner prescribed as Form 12 in the Schedule.

(3) Where there is more than one petitioner, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(4) Before leave for the withdrawal of a petition is granted—

(a) a party to the petition and his legal practitioner; and

(b) the election agents of the parties who were candidates at the election;

shall produce affidavits to the effect stated in subsection (5), but the Court may, on cause shown, dispense with the affidavit of a particular person if on special grounds it appears to the Court just to do so.

(5) Each affidavit shall state that, to the best of the deponent's knowledge and belief—

(a) no agreement or terms of any kind whatsoever has, or have been, made; and

(b) no undertaking has been entered into;

in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set out that agreement.

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(6) The affidavits of the applicant and his legal practitioner shall further state the ground on which the petition is sought to be withdrawn.

(7) No person shall make any agreement or terms, or enter into any undertaking, in relation to or for the withdrawal of a petition in consideration—

(a) of any payment;

(b) that the seat shall at any time be vacated; or

(c) of the withdrawal of any other petition.

(8) A person who contravenes this section commits an offence and is liable to a fine of $500.

Substitution of a new petitioner

13. (1) A person who might have been a petitioner in respect of the election to which the petition relates may, within 5 days after the publication by the Registrar in the *Gazette* of a copy of the notice of application for leave to withdraw the petition, apply to the Court, in the manner prescribed as Form 13 in the Schedule, to be substituted as a petitioner for the petitioner who desires to withdraw the petition, and the judge may at the hearing of the application, if he thinks fit, substitute the applicant as a petitioner.

(2) Where in the opinion of the judge, the proposed withdrawal of a petition is induced by any illegal bargain or consideration or is the result of any agreement, terms or undertaking prohibited by these Rules, he may, by order, direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner.

(3) If no order under subsection (2) is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of an original petitioner and subject to like conditions, shall be given on behalf of the substituted petitioner within 5 days after the order of substitution and before he takes any step in the proceedings.

(4) Subject to this section, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities, as the original petitioner.

(5) If a petition is withdrawn, the substituted petitioner is liable to pay the costs of the respondent.

Abatement of petition

14. (1) A petition shall be abated by the death of a sole petitioner or the survivor of several petitioners.

(2) The abatement of a petition shall not affect the liability of the petitioner's legal personal representative to pay the costs previously incurred.

(3) On the abatement of a petition, a party or person interested in the petition shall give to the Registrar notice of the abatement, in the manner prescribed as Form 14 in the Schedule and the Registrar shall immediately cause the notice to be inserted in the *Gazette* and in a newspaper of general circulation in Anguilla.

(4) Within one month after publication of the notice in the *Gazette* a person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court, pursuant to section 13, to be substituted as a petitioner.

(5) The judge may, if he thinks fit, substitute as a petitioner the applicant on whose behalf security to the same amount as is required in the case of an original petition is given and the security shall be subject to the same objection as the security given in an original petition.

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Addition or substitution of respondent

15. (1) If, before the trial of a petition—

(a) the respondent dies, then a person entitled to be a petitioner in respect of the election to which the petition relates may give notice, in the manner prescribed in Form 15 of the Schedule, of the death of the respondent by publication in the *Gazette* and in a newspaper of general circulation in Anguilla; or

(b) the respondent gives notice, in the manner prescribed in Form 16 of the Schedule, to the Registrar and to the petitioner that he does not intend to oppose the petition, the Registrar shall give notice of the intention of the respondent by publication in the *Gazette* and in a newspaper of general circulation in Anguilla.

(2) Within 21 days after publication of the notice under subsection (1) in the *Gazette,* a person may apply, in the manner prescribed as Form 17 of the Schedule, to the Court to be admitted as a respondent to oppose the petition, and the person shall be admitted accordingly either with the respondent, if there be a respondent, or in place of the respondent.

(3) Any number of persons not exceeding 3 may be admitted.

Notice of intention not to oppose petition

16. A respondent who does not intend to oppose the petition shall, not less than 7 days before the day fixed for the trial, serve notice in the manner prescribed in Form 17 of the Schedule to that effect on the petitioner and all other parties.

Respondent not opposing not to appear as party

17. A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not appear or act as a party against the petition in any proceedings on the petition.

Several petitions as to the same election

18. Where more than one petition relating to the same election or return is presented, all the petitions shall be dealt with as one petition, in the manner and on the terms, as the judge directs.

Notice of recrimination when petition complains of undue return and claims seat

19. (1) When a petition complains of an undue return and claims the seat for some person other than the person returned, the respondent may, within 10 days after the service of the notice of the petition, give notice in the manner prescribed in Form 18 of the Schedule to the petitioner that he intends to give evidence to prove that the person on whose behalf the seat is claimed was not duly elected.

(2) The grounds on which a respondent intends to complain that a person on whose behalf the seat is claimed was not duly elected shall be set out in the notice and the Rules applicable to a petition and the particulars of charges made in the petition shall apply to every notice.

Returning officer if complained of to be respondent

20. Where a petition complains of the conduct of a returning officer, the returning officer shall for the purposes of these Rules, be the respondent except where there is a substitution of a respondent in his place.

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Petition complaining of no return

21. A petition complaining of no return may be presented to the Court, and is deemed to be an election petition, and the judge may—

(a) make an order on the petition as he thinks expedient for compelling a return to be made; or

(b) allow the petition to be heard in a manner provided with regard to petitions.

Mode of trial of petitions

22. The following provisions apply to the trial of a petition—

(a) the trial shall take place in open Court at a time as a judge may appoint, not being less than 7 days after notice of trial, in the manner prescribed in Form 19 in the Schedule, has been given to the parties and published in the *Gazette* and in a newspaper of general circulation in Anguilla;

(b) the judge may adjourn the trial from time to time, but the trial of every petition so far as practicable, and consistent with the interests of justice in respect of the trial, shall be continued from day to day on lawful days until its conclusion;

(c) the judge may make a special report to the Governor upon any matter arising in the course of the trial, an account of which in his judgment ought to be submitted;

(d) where it appears to the judge, on application, in the manner prescribed as Form 20 in the Schedule, that a constitutional question, not being a question under section 41(2) of the Constitution, is being raised by the petition, and such question affects the determination of an question under section 41(2), both the question in relation to section 41(2) and the first-mentioned constitutional question may be heard before the Court, but—

(i) in relation to the question under section 41(2), the determination of the Court is final and not subject to an appeal; and

(ii) in relation to the first-mentioned constitutional question the determination of the Court may be subject to appeal; and

(e) the Court office shall give the parties at least 14 days notice of the date, time and hearing of the petition under paragraph (d).

Evidence of illegal practice receivable before proof of agency

23. On the trial of a petition, unless the judge otherwise directs, any complaint of an illegal practice may be examined by the Court, and evidence in relation to the complaint may be received, notwithstanding that there is evidence of collusion between the candidate and a third party in respect of the illegal practice.

Witnesses

24. (1) Witnesses shall be summoned and sworn in the same manner, as nearly as circumstances admit, as in an action tried in a civil trial.

(2) At the trial, the Court may, by order under the hand of the judge, require a person who appears to him to have been concerned in the election to attend as a witness, and a person wilfully refusing to obey that order shall be guilty of contempt of court.

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(3) A witness may, after his examination by the Court, be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(4) A person called as a witness in respect of an election before the Court shall not be excused from answering any question relating to any illegal practice at or connected with the election, on the ground of privilege.

(5) Notwithstanding subsection (4)—

(a) a witness who answers truly all questions which he is required by the Court to answer shall in the discretion of the Court be eligible to receive a certificate of indemnity under the hand of the judge stating that the witness has so answered; and

(b) an answer by a person to a question put by or before the Court is not admissible in evidence against that person in civil or criminal proceedings, except in the case of any criminal proceeding for perjury in respect of the evidence.

(6) The reasonable expenses incurred by a person in appearing to give evidence at the trial of a petition, if allowed to the person by order of the judge, are payable in the first instance by the party who calls him as a witness and the amount payable shall be ascertained and certified by the Registrar.

(7) The expenses under subsection (6) may be included in the costs of the petition and shall be paid by the party directed to pay those costs.

(8) The expenses of a witness called and examined by the judge are deemed to be costs of the petition and shall be paid as directed by the order of the judge.

General costs of petition

25. (1) Except where specifically provided for in these Rules, all costs, charges and expenses of and incidental to the presentation of a petition, or of any consequent proceedings shall be in the discretion of the Court and shall be defrayed by the parties to the petition in a manner and in proportions as the Court may determine.

(2) The Court may disallow any costs, charges or expenses which may, in its opinion, have been caused by—

(a) vexatious conduct;

(b) unfounded allegations; or

(c) unfounded objections;

on the part of either the petitioner or the respondent, and shall have regard to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether or not the parties are on the whole successful.

(3) The rules and regulations of the Court with respect to costs to be allowed in actions, causes and matters in the Court shall, in principle and so far as practicable, apply to the costs of election petitions and connected proceedings and the amount of the costs may be fixed by the judge or may be directed to be assessed.

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(4) Where the petitioner is ordered to pay any costs and he fails to pay the costs within 14 days from the date of the order of the Court—

(a) the Registrar shall pay the costs out of any money deposited with the Court as security under these Rules and execution may be issued against the petitioner and the sureties jointly and severally for any balance not covered by the deposit; or

(b) where security has been given by recognisance, the Registrar shall certify the recognisance to be forfeited, on an affidavit of the respondent stating—

(i) the amount of the costs directed to be paid by the petitioner; and

(ii) that neither the petitioner nor any of the sureties has paid them within 14 days after the order to pay the same.

(5) The Court shall immediately issue execution for the recovery of the amount of the costs ordered to be paid against the petitioner and the sureties jointly and severally to the extent of the amount for which they are bound by the recognisance, but the petitioner is always liable to pay the full amount of the costs.

(6) If the security given by the petitioner is in the form of money deposited with the Court, the petitioner is entitled to a refund of a portion of the money exceeding the amount of the costs ordered to be paid by him.

(7) If a respondent who is ordered to pay any costs to the petitioner fails to do so within 14 days from the date of the order directing the payment, execution shall immediately be issued out of the Court for the recovery of the amount of costs.

(8) Execution shall be levied in accordance with the law governing execution in civil actions in the Court.

Application of Eastern Caribbean Supreme Court Civil Procedure Rules 2000

26. A judge may direct, in any matter not provided for by the Act or by these Rules, that the practice and procedure set out in the Eastern Caribbean Supreme Court Civil Procedure Rules 2000, relating to the service of documents other than the election petition and the conduct of a civil trial may be applied.

Costs

27. The costs of publication of the notice of the presentation of the petition in section 6 and of any other matter required to be published by the Registrar under these Rules shall be paid to the Registrar before the publication by the petitioner or other person moving the matter in the first instance and shall form part of the general cost of the petition.

Citation

28. These Rules may be cited as the Election Petition Rules, Revised Regulations of Anguilla, E31-2.

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SCHEDULE

FORMS

FORM 1

(Section 2)

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT

ANGUILLA

PETITION

Election for (state the electoral district) held on the ……. day of …..……..…, 20..…

BETWEEN

A.B. …… Petitioner.

And

X.Y. ……..… Respondent.

The petition of A.B. of ……..…… (or of A.B. of …….....… and C.D. of ……..…..…….) (*as the case may be*) whose name is subscribed.

1. Your petitioner A.B. is a person who voted (*or* had a right to vote) at the above election (*or* claims to have had a right to be returned at the above election, *or* was a candidate at the above election) and your petitioner C.D. …… (here state in like manner the right of each petitioner).

2. Your petitioner states that the election was held on the ...… day of ……, 20….., when E.F., G.H. and I.J. were candidates, and the returning officer has returned E.F. as being duly elected.

3. Your petitioner says that (here state in specific paragraphs the facts and grounds on which the petitioner relies).

WHEREFORE your petitioner prays that it may be determined and the said E.F. was not duly elected or returned, and that the election was void (*or* that the said G.H. was duly elected and ought to have been returned, *or as the case may be*).

Dated this …… day of ……, 20 ……

……

Petitioner

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FORM 2
(Section 3)

(Title as in the case of the petition)

APPLICATION FOR PARTICULARS
NOTICE OF APPLICATION

The Petitioner AB. …… (full names),

of ……..... (full address)

applies to the Court for an order that the petitioner delivers to the respondent or his legal practitioner particulars in writing of ……

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated …….

Signed ……....

[Legal Practitioner for the] Applicant

This application will be heard by [the Judge in Chambers] [Master ……..] on the …….. day

of ……..., ……. at ……a.m./p.m. at [……]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by—

NB This notice of application must be served as quickly as possible on the respondent to the application.

The Court office is at [……...…….] telephone number ……, Facsimile ……
.

The office is open between [..… a.m.] and [….. p.m.] …… to …… except public holidays.

———————

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FORM 3
(Section 3)

(Title as in the case of the petition)

PARTICULARS DELIVERED

The following are the particulars delivered by the petitioner to the respondent on the .....

day of ....., 20 .....

(This form may be adapted to suit other illegal practices under the Act.)

BRIBERY								
No. in particulars	*Name of person bribed*	*Address*	*Register or occupation*	*Name of person bribing*	*Address*	*Time when bribed*	*Place where bribed*	*Amount and character of bribe*

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FORM 4

(Section 6)

(Title as in the case of the petition)

NOTICE OF PRESENTATION OF PETITION AND OF THE NATURE OF THE SECURITY

Take notice that a petition complaining of ……..….

(state the grounds of complaint briefly) and praying that ……

(state briefly the prayer of the petition) was presented to the Court on the ..…… day of ……..., 20….., and that security for the costs, charges and expenses thereof has been given …… (state the nature of the security given, i.e. whether by deposit of money or by recognisance and the names and the description of the sureties and the amounts for which each surety has bound himself).

Dated the …… day of …….., 20 .....

To:

(Name of Respondent) ……

(Address) …….

.....
Petitioner

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FORM 5
(Section 7)

(Title as in the case of the petition)

APPLICATION FOR SUBSTITUTED SERVICE

Notice of Application

The Petitioner AB. …… (full names), of …….. (full address)

applies to the Court for an order for substituted service……...…….

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated …….

Signed ……....

[Legal Practitioner for the] Applicant:

This application will be heard by [the Judge in Chambers] [Master ……..] on the ……

day of ……., …….. at …… a.m./p.m. at [……..]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by—

NB This notice of application must be served as quickly as possible on the respondent to the application.

The Court office is at [……..] telephone number ……., Facsimile …… .

The office is open between [……. a.m.] and [……. p.m.] …… to …… except public holidays.

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FORM 6
(Section 8)

(*Title as in the case of the petition*)

RECOGNISANCE GIVING SECURITY FOR COSTS UNDER SECTION 8

Be it remembered that on the …… day of …….. , 20….,

before me …….. (name and description) came A.B. of …… (name and description as above) and acknowledged himself (*or* severally acknowledged themselves) to owe to Our Sovereign Lady the Queen the sum of (in words) dollars (*or* the following sums) (that is to say) the said C.D., the sum of (in words) dollars,

the said E.F., the sum of …….. (in words) dollars, and the said G.H., the sum of …….. (in words) dollars to be levied on his (*or* their respective) goods and chattels, lands and tenements to the use of the Queen, Her heirs and successors.

The condition of this recognisance is that if …….. (here insert the names of all the petitioners, and if more than one, add, *or any of them*) shall well and truly pay all costs, charges and expenses in respect of the election petition signed by him (*or them*) relating to ..... (here insert the name of the electoral district) which shall become payable by the said petitioner under the Election Petitions Rules to any person, then this recognisance to be void, otherwise to stand in full force.

……..
Petitioner and Sureties

Taken and acknowledged by the above named (names of petitioner and sureties) on the …. day of ……..…. 20……, before me.

……..
A Justice of the Peace or person authorised to administer oaths

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FORM 7
(Section 8)

(Title as in the case of the petition)

APPLICATION OBJECTING TO SECURITY

Notice of Application

The Petitioner AB. …… (full names), of …… (full address)

applies to the Court for an order that the security given by the respondent be rejected.

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated …….

Signed ……..……...

[Legal Practitioner for the] Applicant

This application will be heard by [the Judge in Chambers] [Master ……] on the …….

day of ……, …… at ……. a.m./p.m. at [..……..]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by—

NB This notice of application must be served as quickly as possible on the respondent to the application.

The Court office is at [……] telephone number ……., Facsimile …… .

The office is open between […….. a.m.] and […….. p.m.] …… to ……..…… except public holidays.

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FORM 8
(Sections 9 and 10)

(Title as in the case of the petition)

ORDER UPON AN APPLICATION OBJECTING TO SECURITY

Before Mr./Mde. Justice

The …… day of ……., 20…..

Upon objection to the security given by the petitioner herein made by application on the ……... day of ……, 20…… And Upon reading the affidavit of …….. dated the …… day of ……., 20……, and hearing the evidence of witnesses personally examined, (if such evidence was required) and counsel on behalf of the parties.

It is declared that the security given by the petitioner in the above-mentioned petition is insufficient and it is ordered that the objection be allowed but that the petitioner be at liberty to remove the objection thereto by depositing with the High Court the sum of (in words) dollars within ……days from this day (the period is not to exceed 10 days).

(In case the security is declared sufficient this order shall read—It is Declared that the security given by the petitioner in the above-mentioned petition is sufficient and it is ordered that the objection be disallowed and that the costs of this objection be paid by the petitioner (*or* the respondent *as the case may be*)).

By the Judge

.....
Registrar

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FORM 9
(Section 11)

(Title as in the case of the petition)

APPLICATION TO AMEND PETITION

Notice of Application

The Petitioner AB. …… (full names), of …….. (full address)

applies to the Court for an order that the petition be amended.

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated …….

Signed ……....

[Legal Practitioner for the] Applicant

This application will be heard by [the Judge in Chambers] [Master ……] on the …….

day of ……, …… at ……. a.m./p.m. at [..……..]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by—

NB This notice of application must be served as quickly as possible on the respondent to the application.

The Court office is at [……] telephone number ……..., Facsimile ……. .

The office is open between […….. a.m.] and […….. p.m.] …… to …….…… except public holidays.

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FORM 10
(Section 12)

(Title as in the case of the petition)

NOTICE TO REGISTRAR AND RESPONDENT

OF APPLICATION FOR LEAVE TO WITHDRAW A PETITION

1. The petitioner proposes to apply to withdraw his petition upon the following grounds:

..... (Here state the grounds).

2. He accordingly prays that a day may be appointed for hearing the application.

Dated the …….. day of ……., 20 …….

.....
Petitioner

To:

The Registrar.

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FORM 11

(Section 12)

(Title as in the case of the petition)

NOTICE TO PUBLIC OF APPLICATION FOR LEAVE TO WITHDRAW PETITION

Notice is hereby given that the above petitioner has on the …… day of ……., 20 …….., lodged at the High Court Registry notice of an application to withdraw the petition of which notice the following is a copy—

(Here set out a copy of the notice to Registrar and respondent)

And take notice that by the Rule made by the Chief Justice any person who might have been a petitioner in respect of the said election may, within five days after the publication by the Registrar of this notice, give notice in writing of his intention on the hearing to apply for leave to be substituted as a petitioner.

Dated the …….. day of ……, 20 ……..

.....
Registrar

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FORM 12
(Section 12)

(Title as in the case of the petition)

APPLICATION FOR LEAVE TO WITHDRAW PETITION

Notice of Application

The Petitioner AB. ……....……. (full names), of ……. (full address)

applies to the Court for an order that his petition be withdrawn.

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated …….

Signed……....

[Legal Practitioner for the] Applicant

This application will be heard by [the Judge in Chambers] [Master ……] on the …….

day of ……, …… at ……. a.m./p.m. at [..……..]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by—

NB This notice of application must be served as quickly as possible on the respondent to the application.

The Court office is at [……] telephone number ……..., Facsimile ……. .

The office is open between […….. a.m.] and […….. p.m.] …… to ……..…… except public holidays.

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FORM 13
(Section 13)

(Title as in the case of the petition)

APPLICATION FOR SUBSTITUTION OF A PETITIONER

IN PLACE OF A DECEASED PETITIONER

Notice of Application

The Petitioner AB. …… (full names), of …….. (full address)

applies to the Court for an order substituting …….. as a petitioner in place of the deceased

petitioner …… .

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated …….

Signed……....

[Legal Practitioner for the] Applicant:

This application will be heard by [the Judge in Chambers] [Master ……] on the …….

day of ……, …… at ……. a.m./p.m. at [..……..]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by—

NB This notice of application must be served as quickly as possible on the respondent to the application.

The Court office is at [……] telephone number …….., Facsimile …… .

The office is open between […….. a.m.] and […….. p.m.] …… to ……..…… except public holidays.

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FORM 14
(Section 14)

(Title as in the case of the petition)

NOTICE OF ABATEMENT OF PETITION

Take notice that the petitioner (*or* the survivor of the several petitioners) in the above petition died on the ..... day of ..... , 20..... , at

in the ..... of …….

and that consequently the said petition was abated by such death.

Dated the ..... day of ..... , 20……

……..
A party or person interested in the petition

_____

FORM 15
(Section 15)
(Title as in the case of the petition)

NOTICE TO BE PUBLISHED OF DEATH OF THE RESPONDENT

Take notice that ……. the respondent .....

died on the …… day of ……., 20……,

at ……. in the …… of .....

.....
A person entitled to be a petitioner
in respect of the election questioned

_____

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FORM 16
(Section 15)

NOTICE TO BE PUBLISHED BY RESPONDENT

OF INTENTION NOT TO OPPOSE THE PETITION

Take notice that I the undersigned respondent do not intend to oppose the above petition.

.....
Respondent

To:

The Registrar and the petitioner

_____

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FORM 17
(Sections 15 and 16)

(Title as in the case of the petition)

APPLICATION TO BE ADMITTED AS A RESPONDENT TO OPPOSE THE PETITION
NOTICE OF APPLICATION

The Petitioner AB. …… (full names), of …… (full address)

applies to the Court for an order to be admitted as a respondent to oppose the petition in place of ……

who died on the ……. day of ……, 20……. .

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated ……..

Signed……...

[Legal Practitioner for the] Applicant

NOTICE:

This application will be heard by [the Judge in Chambers] [Master ……] on the …….

day of ……, …… at ……. a.m./p.m. at [..……..]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by—

NB This notice of application must be served as quickly as possible on the respondent to the application.

The Court office is at [……] telephone number …….., Facsimile ……. .

The office is open between […….. a.m.] and […….. p.m.] …… to ……..…… except public holidays.

———————

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FORM 18
(Section 19)

(Title as in the case of the petition)

NOTICE OF RECRIMINATORY GROUNDS

Take notice that I the respondent in the above-mentioned petition intend to complain of the election of …… the person on whose behalf the seat is claimed undue

and that the following are the grounds on which I intend to rely in support of that complaint—

……

(Here set out the grounds which the respondent intends to complain of)

.....
Respondent or his Legal Practitioner

To:

The petitioner and his legal representative.

_____

FORM 19
(Section 22)

(Title as in the case of the petition)

NOTICE OF TRIAL

Take notice that the above petition (or petitions) will be tried in the High Court in the Valley on the ….

day of ……..., 20 ……..,

commencing at …… a.m./p.m. and on such other subsequent days as required.

.....
Registrar

To:

The petitioner and the respondent and their legal practitioner.

_____

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FORM 20
(Section 22)

(Title as in the case of the petition)

APPLICATION TO PETITION UNDER SECTION 22(d)
NOTICE OF APPLICATION

The Petitioner AB. …… (full names), of …….. (full address) applies to the Court for an order that the case raised by the petitioner falls under section 22(d) case, and that in the event of the parties differing the same be referred to settle, and that the costs of this application be costs in the petition.

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated …….

Signed……...

[Legal Practitioner for the] Applicant

NOTICE:

This application will be heard by [the Judge in Chambers] [Master ……] on the …….

day of ……, …… at ……. a.m./p.m. at [..……..]

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by—

NB This notice of application must be served as quickly as possible on the respondent to the application.

The Court office is at [……] telephone number ……., Facsimile ……. .

The office is open between […….. a.m.] and […….. p.m.] …… to ……..…… except public holidays.

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