

*Repealed by  
Law 26 of 1930.*

28 OF 1926.

A.D. 1926.

**TO AMEND THE LAW RELATING TO THE ELECTIONS OF  
MUNICIPAL COUNCILS.**

28 of 1926.

MALCOLM STEVENSON.]

[May 31, 1926.

BE it enacted :—

Short title.

**1.** This Law may be cited as the Municipal Councils (Amendment, No. 2) Law, 1926, and shall be read as one with the Municipal Councils Law, 1882, (hereinafter referred to as the Principal Law).

Amendment of Law 6 of 1882, secs. 15 and 17.

**2.** The Principal Law, sections 15 and 17, are hereby amended by the deletion of "18th" and the substitution therefor of "8th."

Repeal of Law 6 of 1882, sec. 20 and substitution of new section.

**3.** The Principal Law, section 20, is hereby repealed and in place thereof the following section shall have effect :—

Governor's power to make Regulations for elections.

**20.** The Governor may, from time to time, make Regulations and when made vary, cancel and amend the same with respect to all or any of the following matters that is to say :—

(a) For determining the time and place for the holding of Municipal elections.

(b) For determining the manner in which Municipal elections shall be conducted and a poll taken when required.

(c) For determining the manner in which votes shall be given and the result ascertained.

(d) For directing the closure before and during such period of a Municipal election as is specified in such regulations, of all or any of the premises (inclusive or exclusive of Clubs) licensed for sale of intoxicating liquors by retail situate within the area in which such election is taking place.

(e) For all other matters necessary to the orderly and impartial conduct of Municipal elections.

Amendment of Law 6 of 1882, sec. 23.

**4.** The Principal Law, section 23, is hereby amended by the deletion of the words "the presidency of some person (herein referred to as the Presiding Officer)" and the substitution therefor of the words "the control of some person or persons (herein referred to as the Presiding Officer or Presiding Officers)."

5. The Principal Law, section 26, is hereby repealed and in place thereof the following section shall have effect :—

Repeal of  
Law 6 of  
1882, sec. 26  
and substitu-  
tion of new  
section.

Notification  
of result.

26.—(1) The Commissioner shall, immediately after the ascertainment of the result of the poll by the counting of the votes given to each candidate, publicly declare to be elected the candidate or candidates to whom the majority of votes has been given and forthwith make a report notifying the name or names of such successful candidate or candidates for election to a Municipal Council or the name of any person elected to fill a vacancy therein, in writing to the Colonial Secretary, who shall, unless the Governor considers that an election in accordance with law has not been carried out, cause the name or names of such successful candidate or candidates to be published in the *Cyprus Gazette*.

(2) If the Commissioner considers that from any cause whatsoever an election according to Law has not been carried out he shall withhold the public declaration of the result of such election in sub-section (1) hereof mentioned and forthwith report in writing the circumstances in which such election was held to the Colonial Secretary for the information of the Governor.

(3) If the Governor upon consideration of a report as to the result of an election made by the Commissioner under the provisions of sub-section (1) or on a report made by the Commissioner under the provisions of sub-section (2), considers that an election in accordance with the Law has not been carried out, he shall by Proclamation declare such election to be invalid and order another election or poll to be held at the earliest possible date, and, in the case of the election of a new Council, the Council or Commission who were in office at the time of the abortive election shall continue in office until the expiration of one week from the date of the holding of such last mentioned poll, or until such time as an election according to Law has been carried out.

6. The Principal Law, section 28, is hereby amended by the addition after the words "sub-section (2)" of the words "and (3)" and by the deletion after the word "Presiding" of the word "Officer" and the substitution therefor of the word "Officers."

Amendment  
of Law 6 of  
1882, sec. 28.

Repeal of  
Law 6 of  
1882, sec.  
29 (5).

7. The Principal Law, section 29 (5), is hereby repealed.

Repeal of  
Law 6 of  
1882, sec.  
30 (1) (2)  
and (3) and  
substitution  
of new sub-  
section.

8. The Principal Law, section 30 (1) (2) and (3), is hereby repealed and in place thereof the following subsection shall have effect:—

30.—(1) Any person who is convicted of treating, undue influence, bribery and personation as defined in the Cyprus (Legislative Council) Order in Council, 1925, at any Municipal election shall be liable on conviction to the penalties provided for such offences by the said Order in Council.

Presentation  
of election  
petition.

9.—(1) A petition complaining of an undue return or undue election of a member of a Municipal Council (in this Law called "election petition") may, at any time within fifteen days of the publication of the result of such election in the *Cyprus Gazette*, be presented to the Supreme Court of the Colony by any one or more of the following persons, that is to say:

(1) Some person who voted or had a right to vote at the election to which the petition relates; or

(2) Some person who claims to have had a right to be returned or elected at such election; or

(3) Some person who alleges himself to have been a candidate at such election.

(2) On presentation of an election petition as in subsection (1) hereof mentioned the person presenting such petition shall be required to give such security as the Court thinks right for the costs to be incurred by the Respondents in defending the petition and all proceedings in the petition shall be stayed until such security be given.

Trial of  
election  
petition.

10.—(1) Every election petition shall be tried by a Judge of the Supreme Court of the Colony in open Court.

(2) At the conclusion of the trial, the Judge shall determine whether the Municipal Councillor of whose return or election complaint has been made, or any other and what person was duly returned or elected; or whether the election was void, and shall certify such determination to the Governor and upon such certificate being given, such determination shall be final; and the return shall be confirmed or altered or a new election shall be held, as the case may require, in accordance with such certificate.

(3) The Governor upon such certificate being given shall declare by notification in the *Cyprus Gazette*, whether the candidate whose return or election is questioned by such petition, or any or what other person, is duly returned or elected, or whether the election is void.

(4) If the election is declared void, the Governor shall by notification appoint another date for the election of members or a member of the Municipal Council concerned.

(5) The Governor, with the advice and assistance of the Chief Justice, may from time to time by writing under the hand and official seal of the Governor and the hand of the Chief Justice, make, amend or revoke rules of Court for regulating the practice and procedure to be observed on election petition.

11.—(1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected. Corrupt practice.

(2) The expression "corrupt practice" as used in this Law means any of the following offences, namely, treating, undue influence, bribery and personation, as defined in the Cyprus (Legislative Council) Order in Council, 1925.

(3) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

12. No election shall be invalid by reason of non-compliance with the regulations established by the Governor if it appears that the election was conducted in accordance with the principles laid down in such regulations or that such non-compliance did not affect the result of the election. Non-compliance with regulations.

*This Law was published in the Cyprus Gazette No. 1775  
of the 4th June, 1926.*