

NIGERIA (ELECTORAL PROVISIONS) ORDER IN COUNCIL, 1958

Elections (House of Representatives) Regulations, 1958

TABLE OF REGULATIONS

PART I—PRELIMINARY

1. Citation and application.
2. Interpretation.
3. Application to general elections and bye-elections.

PART II—QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS

4. Qualifications of electors.
5. Disqualifications.
6. No plural voting.

PART III—ELECTORAL COMMISSION

7. Electoral Commission to exercise general supervision.
8. Power to require information and issue instructions.
9. Members of Commission not eligible for election.

PART IV—APPOINTMENT OF OFFICERS

10. Registration Officers.
11. Electoral Officers.
12. Returning Officers.
13. Polling Officers.
14. Supervision by Electoral Officer.
15. Remuneration and expenses.
16. Recommendations of Electoral Commission.
17. Members of the House not to be appointed, and officers ineligible for election.

PART V—REGISTRATION OF ELECTORS

(A)—General Provisions for Registration

18. Register in each constituency.
19. Ordinary residence to be the criterion.
20. Particulars to be registered.

(B)—Registration Areas in Each Constituency

21. Registration areas.
22. Alteration of areas.

(C)—First Register after Commencement of these Regulations

- 23. Qualifying date and other dates to be appointed.
- 24. Notice of registration areas.
- 25. Notices, etc., at registration offices.
- 26. Application for registration.
- 27. Power to administer oaths to applicants.
- 28. Registration card.
- 29. Publication of Preliminary List.
- 30. Copy to be available for inspection.
- 31. Copies for public.

(D)—Hearing of Claims and Objections

- 32. Claims and objections.
- 33. Hearing.
- 34. Oath may be administered.
- 35. Person to hear objections.

(E)—Correction, Completion and Publication of List

- 36. Completion of list.
- 37. Publication by Electoral Commission.
- 38. Correction by Commission.
- 39. The list to be the Register.
- 40. Register available for inspection.
- 41. Copies for public.

(F)—Revision of Electoral Register

- 42. Revised Register not yet provided for.

PART VI—PROCEDURE AT ELECTION

(A)—Procedure common to Contested and Uncontested Elections

- 43. Date for holding of election.
- 44. Notice.
- 45. Nomination.
- 46. Nominators.
- 47. Deposit.
- 48. Validity of nominations.
- 49. Publication of list of nominations.
- 50. Withdrawal of candidates.
- 51. Death of candidate.
- 52. Plural candidature.
- 53. When contest takes place.
- 54. Uncontested election.
- 55. Lack of nominations.

(B)—Contested Elections, General

- 56. Ballot.
- 57. Appointment of polling stations.
- 58. Officers at polling stations.
- 59. Facilities at polling stations.
- 60. Allocation of symbol.
- 61. Ballot boxes.
- 62. Ballot papers.
- 63. Polling agents.
- 64. Notice of ballot.

(C)—The Day of the Election

65. Hours of ballot.
66. Preparation of ballot boxes.
67. Issue of ballot paper.
68. Marking of ballot paper, etc.
69. Voter may be questioned.
70. Marking of thumb, etc.
71. Recording of vote.
72. No double voting.
73. No mark on ballot paper.
74. Accidental destruction of paper.
75. Blind and other disabled voters.
76. Personal attendance.
77. Appropriate polling station.

(D)—Voting of Persons on Duty at Polling Stations

78. Officers to be on duty at station other than station of registration where practicable.
79. Officers on duty to be released to cast vote where practicable.
80. Certified extract of Register may be used in certain cases.

(E)—Irregularities at Election

81. Declaration as to impersonation.
82. Votes may be protested against.
83. Validity of arrest.
84. Tendered ballot papers.
85. Exclusion of unauthorised persons, and order at polling stations.
86. Removal of persons misconducting themselves.
87. Interruption of election.

PART VII—TERMINATION OF ELECTION, COUNTING, ETC.

88. Closing of polling station.
89. Method of dealing with ballot boxes and election papers.
90. Counting agents.
91. Counting of votes.
92. Method of counting.
93. Statement of rejected papers.
94. Returning Officer's decision final.
95. Method of dealing with papers.
96. Re-count.
97. Decision by lot if an equality.
98. Certificate and declaration of result.
99. Publication of return.
100. Safe custody of records.

PART VIII—OFFENCES

101. Corrupt practices.
102. Personation and punishment therefor.
103. Certain persons guilty of treating.
104. Undue influence.
105. Persons to be deemed guilty of bribery.
106. Punishment of bribery, treating and undue influence.
107. Offences in respect of nomination, etc.
108. Dereliction of duty by polling officers.

PART VIII—OFFENCES—*continued*

109. Requirement of secrecy.
110. Punishment of persons guilty of certain illegal practices.
111. Voting by unregistered persons, removal of ballot papers, etc.
112. Disqualification following certain convictions.
113. Disorderly conduct at elections.
114. Offences on day of election.
115. Offences as to registration.
116. Disorderliness at political meetings.
117. Improper use of registration cards.
118. Breach of direction as to use of vehicles.
119. Penalties to be maximum penalties, and certain penalties cumulative.
120. Notification of conviction to Electoral Commission.

PART IX—ELECTION PETITIONS

121. Method of questioning elections.
122. Who may present petition.
123. Time for presentation.
124. Grounds for petition.
125. Security for costs.
126. Open court.
127. Effect of determination.
128. Priority.
129. Privilege.
130. Costs.
131. Procedure Rules.
132. Substantial compliance.
133. Decision as to vacancy in House.
134. Appeal from election petition.
135. Effect on election return of notice of appeal.
136. Priority in respect of appeals.

PART X—GENERAL PROVISIONS

137. Secrecy.
138. Election may be postponed if disturbance expected.
139. Court may order inspection of records.
140. Use of Public buildings.
141. Symbols.
142. Electoral Commission may impose restrictions on use of vehicles.
143. Revocation.

FIRST SCHEDULE

Provisions as to the Interpretation of Ordinary Residence.

SECOND SCHEDULE—FORMS

- Form 1. Registration Application Form.
- Form 2. Claim for Correction of or Insertion of Name in Preliminary List.
- Form 3. Objection to Name in Preliminary List.
- Form 4. Nomination Form.
- Form 5. Decision of Electoral Officer as to validity of Nomination.
- Form 6. Certificate of Polling Duties.
- Form 7. Certified Extract of Register.
- Form 8. Declaration of Result of Poll.

L.N. 117 of 1958

NIGERIA (ELECTORAL PROVISIONS) ORDER IN COUNCIL, 1958
Elections (House of Representatives) Regulations, 1958

Commencement : 24th July, 1958

In exercise of the powers conferred by section 8 of the Nigeria (Constitution) Order in Council, 1954, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

PART I.—PRELIMINARY

1. (1) These regulations may be cited as the Elections (House of Representatives) Regulations, 1958.

Citation.

(2) These regulations shall apply to the registration of voters for, and in respect of all other things necessary or expedient to prepare for, elections to the proposed House of Representatives of three hundred and twenty elected members referred to in the Nigeria (Electoral Provisions) Order in Council, 1958, and references herein to the House of Representatives (other than in regulation 17) shall be construed as references to such proposed House of Representatives.

L.N. 107 of 1958.

2. In these regulations—

Interpretation.

"constituency" means any one of the electoral districts established in accordance with section 4 of the Nigeria (Electoral Provisions) Order in Council, 1958, entitled to return one Representative Member to the House of Representatives ;

"Electoral Commission" means the Electoral Commission appointed in accordance with the Nigeria (Electoral Provisions) Order in Council, 1958 ;

"ordinarily resident" has the meaning assigned thereto by regulation 19 ;

"qualifying date" means the qualifying date to be appointed by the Electoral Commission for the purpose of regulation 23, and if any subsequent date is from time to time appointed for a subsequent Register of Electors then shall mean the latest of any such subsequent dates.

3. These regulations shall apply in respect of the preparation of a register of electors and in respect of the election of representative members to the House of Representatives at any general election or bye-election.

Application to elections and bye-elections.

PART II.—QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS

4. Subject to the provision of regulations 5 and 19, every person shall be entitled to be registered as an elector and if so registered to vote at an election who on the qualifying date is ordinarily resident in Nigeria and is a British subject or British protected person of the age of 21 years or upwards, and if ordinarily resident in the Northern Region is a male.

Qualification of electors.

5. No person shall be entitled to be registered as an elector or to vote at any election who—

Disqualifications.

(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to any foreign power or state ;

(b) has been sentenced by a Court in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called) for a term exceeding six months, and has not either suffered the punishment to which he was sentenced, or such other punishment as may by competent authority have been substituted therefor, or received a free pardon ; or

(c) is, under any law in force in any part of Nigeria, adjudged to be a lunatic or otherwise declared to be of unsound mind; or

(d) is disqualified in accordance with any law relating to corrupt practices at elections.

No plural voting.

6. No person shall be entitled to be registered as an elector in more than one constituency or to vote more than once in any election.

PART III.—ELECTORAL COMMISSION

Electoral Commission to exercise general supervision.

7. Subject to the provisions of these regulations, the general supervision of the preparation of a Register of Electors and of the conduct of an election shall be vested in the Electoral Commission.

Power to require information and issue instructions.

8. The Electoral Commission may—

(a) require from any officer appointed in accordance with these regulations such information and returns as it may consider necessary, and

(b) subject to the provisions of these regulations, issue instructions to any such officer in connection with his functions under these regulations.

Members of Commission and electoral officials ineligible for election.

9. A member of the Electoral Commission, and any other person who by reason of his holding or acting in any office has any responsibility for or any connection with the conduct of any election to the House of Representatives or any responsibility for or connection with the compilation or revision of any electoral register for such purpose, shall be disqualified from membership of the House of Representatives and from nomination as a candidate therefor while he holds office as a member of such Commission or holds or acts in any such office.

PART IV.—APPOINTMENT OF OFFICERS

Registration Officers.

10. (1) The Governor-General shall appoint by name in respect of each constituency a Registration Officer: Provided that where it appears expedient—

(a) more than one Registration Officer may be appointed in respect of any constituency in which case each Registration Officer shall be appointed in respect of a specified area of the constituency, and one of such Registration Officers may be appointed to exercise supervisory functions in respect of the whole constituency, or

(b) a Registration Officer may be appointed to function in respect of more than one constituency.

(2) A Registration Officer shall be appointed in respect of each constituency in accordance with paragraph (1) whether or not a date has been appointed for the holding of an election in respect of that constituency, and he shall hold office until his appointment is revoked.

(3) The Governor-General appoint such Assistant Registration Officers in respect of any constituency as may seem necessary. Subject to any direction of the Electoral Commission, an Assistant Registration Officer shall have all the powers and may perform any of the duties of a Registration Officer, but shall be subject to the authority and control of the Registration Officer appointed in respect of the same constituency or part thereof.

11. (1) In respect of any election or elections the Governor-General shall appoint in respect of each constituency an Electoral Officer: Provided that where it appears expedient—

Electoral
Officers.

(a) more than one Electoral Officer may be appointed in respect of any constituency, in which case each Electoral Officer shall be appointed in respect of a specified area of the constituency, and one of such Electoral Officers may be appointed to exercise supervisory functions in respect of the whole constituency;

(b) an Electoral Officer may be appointed to function in respect of more than one constituency, or

(c) an Electoral Officer may be appointed to be Electoral Officer in respect of one or more constituencies in addition to his functions as Registration Officer.

(2) In respect of any election or elections the Governor-General may appoint such Assistant Electoral Officers in respect of any constituency as may seem necessary. Subject to any direction of the Electoral Commission, an Assistant Electoral Officer shall have all the powers and may perform any of the duties of an Electoral Officer, but shall be subject to the authority and control of the Electoral Officer appointed in respect of the same constituency or part thereof.

12. (1) In respect of any election or elections the Governor-General shall appoint in respect of each constituency a Returning Officer: Provided that where it appears expedient a Returning Officer may be appointed to function in respect of more than one constituency.

Returning
Officers.

(2) In respect of any election or elections the Governor-General may appoint such number of Assistant Returning Officers in respect of any constituency as may seem necessary. Subject to any direction of the Electoral Commission, an Assistant Returning Officer shall have all the powers and may perform all the duties of a Returning Officer, but shall be subject to the authority and control of the Returning Officer appointed in respect of the same constituency or part thereof.

13. In respect of any election or elections the Governor-General shall appoint in respect of each constituency such Polling Officers as appear to be necessary.

Polling
officers.

14. An Electoral Officer shall exercise supervision over the performance of the functions of the Returning Officer and Polling Officers in the constituency in respect of which he is appointed, and subject to any direction of the Electoral Commission and to the provisions of these regulations may give to such officers directions as to the performance of their functions.

Supervision
by Electoral
Officer.

15. (1) The Electoral Commission shall decide whether any and if so what fees or other remuneration shall be paid to officers appointed under these regulations, and may prescribe scales of remunerations for such officers, and scales of maximum allowances in respect of expenses incurred by such officers and the method of authorisation of such allowances.

Remunera-
tion and
expenses.

(2) The Governor-General may by warrant direct the payment of all remuneration and expenses authorised in accordance with paragraph (1).

Recommendations of Electoral Commission.

Members of the House not to be appointed and officers ineligible for election.

16. In respect of the exercise of any function by the Governor-General under this Part, it shall be the duty of the Electoral Commission to make such recommendations as they think fit.

17. No member of the House of Representatives or of any House of Assembly or House of Chiefs in a Region or in the Southern Cameroons shall be appointed to carry out any duties under this Part and no officer appointed to carry out any duties under this Part shall be eligible for nomination as a candidate for election to the House of Representatives while such appointment continues.

PART V.—REGISTRATION OF ELECTORS

(A)—General Provisions for Registration

Register in each constituency.

18. In respect of each constituency a register of persons entitled to vote in such constituency shall be prepared and maintained by the Registration Officer in accordance with the provisions of this Part.

Ordinary residence to be the criterion.

19. (1) A person entitled under regulation 4 to be registered as a voter shall, if he wishes to register, be registered in a constituency in which he is ordinarily resident at the qualifying date and not elsewhere.

First Schedule.

(2) A person's ordinary residence shall be determined by reference to all the facts of the case and in particular by reference to the rules contained in the First Schedule, but subject to such rules a person shall be deemed to be ordinarily resident at the address where he usually lives.

Particulars to be registered.

20. The register shall contain in respect of every person the principal name and such one or more further names by which a person is usually or may be known and his address, and no person shall be registered under a principal name alone being a single name or without his address, and the register shall include the occupation (if any) of the elector and (except in a constituency situate in the Northern Region) an indication of the sex of the elector.

(B)—Registration Areas in Each Constituency

Registration areas.

21. (1) Each Registration Officer shall divide the constituency or the part thereof in respect of which he is appointed into registration areas. So far as appears to him practicable the number of electors in each registration area shall not exceed 500 and the place of residence of each elector shall not be more than three miles by the shortest route from the place where registration is to take place (in these regulations referred to as the registration office).

(2) Each registration area shall be given some appropriate short name or description.

Alteration of areas.

22. (1) The first division of a constituency into registration areas shall be made as soon as may be practicable after the coming into operation of these regulations.

(2) A registration officer may make alterations in the limits of any registration area, only with the consent in writing of the Electoral Commission and subject to such conditions and following such procedure as the Electoral Commission may direct.

(C).—First Register after Commencement of these Regulations

23. For the purpose of the first register in accordance with these regulations and the preliminary list therefor, the Electoral Commission shall so soon as may be after the commencement of these regulations by notice in the Gazette of the Federation appoint—

Qualifying date and other dates to be fixed.

- (a) a qualifying date for inclusion in the list
- (b) the last day for making application for inclusion in the list ;
- (c) the date by which the preliminary list shall be published in each constituency.

24. Upon such Gazette notification the Registration Officer shall in each constituency give notice without delay in such manner as shall appear to him appropriate and adequate of the names and limits of the registration areas and the place or places in each such area at which application for registration may be made.

Notice of registration areas.

25. (1) At the registration office (or offices) in each registration area notice shall be given—

Notices, etc., at registration offices.

- (a) of the name and limits of the registration area ;
- (b) of the dates fixed by the Electoral Commission in accordance with regulation 23 ;
- (c) of the times and dates at which the Registration Officer or his assistant will attend for the transaction of business at the registration office and at any other place within the area ;
- (d) of the places at which registration application forms are available.

(2) There shall be available at registration offices and at such other places in each registration area as may be practicable an adequate supply of registration application forms.

26. (1) A person wishing and entitled to be registered shall apply in person to the Registration Officer in the registration area in which he is ordinarily resident and shall deliver the prescribed form to him.

Application for registration. Second Schedule, Form 1.

(2) If the applicant is illiterate he may be accompanied by a person of his choice who is literate.

(3) Whenever it appears to be necessary and it is practicable for him to do so, the Registration Officer shall assist applicants in the completion of their application forms.

(4) If it appears to the Registration Officer that an applicant is entitled to be registered in some other area it shall be his duty to advise the applicant to the best of his ability and to re-address the application form accordingly, returning it to the applicant.

(5) The Registration Officer will read aloud in the hearing of whoever may happen to be present, the name, description and address of the applicant shown on the prescribed form and if the applicant appears entitled to be registered his name and address shall be included on a Preliminary List.

27. The Registration Officer shall have power to administer oaths to all persons claiming to have their names inserted in the Preliminary List.

Power to administer oaths to applicants

Registration
card.

28. (1) Upon the Registration Officer accepting a claim for entry in the Preliminary List, he shall issue to the elector a registration card stamped and numbered for the purpose of preventing falsification.

(2) The registration card shall be retained by the elector for the purpose of production at the time of voting.

(3) The Electoral Commission shall prescribe the form of the registration card, and shall furnish on the card whatever particulars appear to be desirable for the most speedy identification of the voter and of the position of his particulars in the Register of Electors that will subsequently be compiled from the Preliminary List.

Publication
of
Preliminary
List.

29. (1) As soon as is convenient, after the last day for the presentation of a claim for inclusion in the Preliminary List, the Registration Officer shall prepare and publish in each registration area, copies of the whole of such Preliminary List or of such parts of such list as apply to such area. If the whole of the list is published in the registration area there shall be an indication of the part of the list relating to that area. The list or parts thereof may be published in such other places as the Registration Officer may think fit, and wherever publicised they shall bear the date of publication.

(2) With each copy of the Preliminary List or part thereof there shall be published a notice stating—

(a) that within 30 days of the publication thereof claims in respect of omissions or for correction of any item in the Preliminary List may be made;

(b) that within the same period objections may be made in accordance with these regulations to the inclusion of any name in such list.

(3) The notice shall further state that forms of claim or objection shall be obtainable at the registration office.

Copy to be
available for
inspection.

30. A copy of the Preliminary List shall be made available for inspection by members of the public at the registration office during normal office hours for at least 30 days after its first publication.

Copies for
public.

31. The Registration Officer shall make available such numbers of copies of the Preliminary List for sale to the public at such price as the Electoral Commission may prescribe.

(D).—Hearing of Claims and Objections

Claims and
objections.

32. (1) Any person qualified to be registered whose name or address is omitted or inaccurately stated in the Preliminary List and who applied to be registered may within 30 days of the publication of such list, by notice in writing to the Registration Officer in the prescribed form claim to have his name and address inserted therein or to have any such entry corrected.

Second
Schedule,
Form 2.

(2) Any person qualified to vote whose name appears in the Preliminary List may within 30 days of the publication of such list, by notice in writing to the Registration Officer in the prescribed form object to the inclusion of any other name appearing therein in respect of the same registration area, as being that of a person not entitled to inclusion in respect of such area.

Second
Schedule,
Form 3.

33. (1) In respect of claims made under paragraph (1) of regulation 32, the Registration Officer shall hear the applicants, examine any evidence they wish to produce and hear any witness whom they wish to call, and if he is satisfied that the grounds of the claim have been established he shall enter the name and address of the applicant in the list or make such correction as appears to be necessary. Hearing.

(2) In respect of any objection made under paragraph (2) of regulation 32, the Registration Officer shall hear what the applicant has to say and may examine any evidence and may hear any witness whom he wishes to call, and if he is satisfied that the grounds of any objection are established he shall strike out from the Preliminary List the name of the person in respect of whom objection is made but shall first ensure that the objection has been notified to any person affected in adequate manner and shall give the person affected the opportunity of being heard.

(3) The Electoral Commission may make regulations governing the procedure to be followed at the hearing of claims and objections.

34. For the purpose of determining claims and objections the Registration Officer may administer oaths to all persons making claims or objections and to any witnesses in respect thereof. Oath.

35. The Governor-General may, if he thinks fit, appoint another person to perform the functions of a Registration Officer in the place of the Registration Officer, or appoint another person to assist him therewith, either as to the whole or any portion of the Preliminary List. Person to hear objections.

(E)—Correction, Completion and Publication of List

36. (1) The Registration Officer shall make such additions or corrections in the Preliminary List as are required— Completion of List.

(a) in order to carry out a decision on any claim or objection, or

(b) for the removal of duplicate entries, or

(c) for the removal of the names of persons who are dead or disqualified and shall also make such alterations as he thinks necessary and as are practicable to secure that no person is entered on the List who is or will be registered in any other constituency or in another registration area in the same constituency.

(2) Before the Registration Officer makes a correction in the Preliminary List otherwise than—

(a) in pursuance of a claim for registration or an objection;

(b) for the purpose of correcting a clerical error;

(c) for the removal of a duplicate entry of a name,

he shall give notice to the person affected and give that person a reasonable opportunity of objection to the proposed correction and if necessary of being heard in respect thereof.

(3) For the purpose of this regulation notice shall be in writing and may be served upon the person affected by delivering it at or posting it to his address as shown in the Preliminary List or by exhibiting it at the registration office in the registration area in respect of which the name of the person appeared on the Preliminary List.

Publication
by Electoral
Commis-
sion.

37. (1) The Registration Officer shall within 60 days from the publication of the Preliminary List or within such longer period as the Electoral Commission prescribe, complete the corrections and additions to the Preliminary List and shall cause the names therein to be numbered in such a way as the Electoral Commission may direct and shall then authenticate the List with his signature and forward it to the Electoral Commission.

Correction
by Com-
mission.

(2) The Electoral Commission shall cause the List to be printed and published on the date to be prescribed by the Governor-General in his discretion with such alterations or amendments which the Commission consider to be necessary.

The List
to be the
Register.

38. At any time either before or after the publication of the Preliminary List, but not later than the 8th day before the date appointed for any election, the Electoral Commission may make or authorise any alteration, omission or addition in the List necessary to correct any clerical error.

Register
available for
inspection.

39. The Preliminary List in respect of each constituency when so printed and published by the Electoral Commission shall be the Register of Electors in that constituency.

Copies for
public.

40. A copy of the Register of Electors shall be made available for inspection by members of the public during normal office hours at the office of the Registration Officer of every constituency after its publication and until it ceases to be in force.

41. The Electoral Commission shall make available such number of copies of the Register of Electors for sale to members of the public as they may consider desirable and shall prescribe such fee as they consider reasonable therefor.

(F)—Revision of the Electoral Register

Revised
Register not
yet provided
for.

42. The preparation of any revised Register of Electors subsequent to the first Register of Electors prepared after the coming into operation of these regulations shall be effected in accordance with further regulations, and prior thereto and for the purpose of such revised Regulations there shall be appointed a qualifying date subsequent to the qualifying date appointed under these regulations for the purpose of regulation 23.

PART VI.—PROCEDURE AT ELECTION

(A)—Procedure common to Contested and Uncontested Elections

Date for
holding of
election.

43. (1) When an election to the House of Representatives becomes necessary, the Governor-General shall by notice in the *Federal Gazette* appoint a date for the holding of the election: Provided that where it appears expedient to the Electoral Commission the Electoral Commission may by similar notice in the *Gazette* in respect of any constituency or constituencies appoint a substituted date for the holding of such election.

(2) In the case of a general election, one date shall be appointed for the holding of the election throughout Nigeria, without prejudice to the power of the Electoral Commission to appoint a substituted date in respect of any constituency or constituencies in accordance with the proviso to paragraph (1).

Notice.

44. (1) Not less than 21 days before the day appointed for the election, the Electoral Officer in each constituency shall in the name of the Electoral Commission publish a notice stating—

(a) the date of the election;

(b) the place and time at which the nomination papers are to be delivered to him, which shall be on a day not later than the 14th day before the elections.

(2) More than one place may be appointed for the delivery of nomination papers, and any place so appointed need not necessarily be a place within the area of the constituency.

45. (1) The nomination form shall be in the prescribed form, and shall be signed by the candidate and by the persons nominating him and shall contain the following particulars—

Nomination.
Second
Schedule
Form 4.

(a) the name, address and occupation of the candidate;

(b) the names, addresses and occupations of the nominators of the candidate;

(c) a statement by the candidate that he is willing and qualified to stand for election;

(d) a statement by the candidate as to his preference of symbol (subject to the provisions of regulation 60 (1) and (2)) for the purpose of any contested election, and

shall be accompanied by an undertaking to deliver such number of photographs (if the candidate wishes photographs to be used on the ballot boxes), not exceeding in size six inches by six inches, as may be required by the Electoral Officer, for the purpose of display on the ballot boxes on the day of election.

(2) The Electoral Officer shall provide nomination papers and supply an elector with such number of the nomination papers as he may require, and at the request of a candidate, the candidate and his nominators being present, he shall complete any such nomination paper on such candidate's behalf.

(3) A candidate or one of the persons nominating him shall personally present the nomination paper at the place appointed by the Electoral Officer by the date and not later than the time prescribed by the Electoral Officer.

46. (1) Every candidate shall be nominated by two persons whose names appear on the Register of Electors for the constituency in respect of which the nomination is put forward.

Nominators

(2) No person shall sign as a nominator more than one valid nomination paper at the same election, and if he does so his signature shall be inoperative on any second or subsequent paper which he signs as a nominator: Provided that for the purpose of this paragraph no account shall be taken of the nomination of any candidate who has died or withdrawn or whose nomination has not been accepted as valid before the delivery of the second nomination paper.

47. (1) Every candidate shall, before his nomination paper is delivered to the Electoral Officer, deposit or cause to be deposited in any convenient Government Treasury to the credit of the Government of the Federation the sum of £25 and shall at the time of the delivery of his nomination paper produce to the Electoral Officer the official receipt of such Treasury for the said sum, and no nomination shall be valid unless such deposit has been made and such receipt is produced.

Deposit.

(2) The deposit shall be returned to the candidate or his personal representatives if—

(a) he dies before the date of the election, or

(b) there is no contested election, or

(c) a contested election is declared void, or

(d) he withdraws his candidature in due time, or

(e) in any contested election he is successful or obtains not less than one-fifth of the total number of votes cast in the constituency.

(3) Any deposit which is not returnable shall be paid into the general revenue of the Federation.

Validity of
nominations.

48. (1) When any nomination paper is delivered and a deposit is made in accordance with these regulations the candidate shall be deemed to stand nominated unless and until the Electoral Officer decides that the nomination paper is invalid or proof is given to the satisfaction of the Electoral Officer of the candidate's death or he withdraws in accordance with these regulations.

(2) The Electoral Officer shall be entitled to hold the nomination paper invalid only on one or more of the following grounds—

(a) that the particulars of the candidate or his nominators are not as required by law; or

(b) that the paper is not signed as required by law, or

(c) that the nominators of the candidate or one or any of them are not persons whose names appear on the register of electors in respect of the appropriate constituency.

(3) The Electoral Officer's decision that the candidate has been validly nominated shall be final and shall not be questioned in any legal proceedings.

(4) Whenever the Electoral Officer decides that a candidate has not been validly nominated he shall endorse and sign on the nomination paper the fact and reasons for his decision and such decision shall only be subject to review on an election petition as provided for in these regulations.

Second
Schedule,
Form 5.

(5) The Electoral Officer shall within 24 hours of the receipt of a nomination paper communicate to the candidate in the prescribed form in writing his decision as to the validity or otherwise of such nomination.

(6) A candidate whose first nomination paper is or may be invalid shall be permitted to submit a second nomination paper within the time allowed.

Publication
of list of
nominations.

49. The Electoral Officer shall at least 9 days before the date appointed for the election publish a statement of the full names of all persons standing nominated and of the persons nominating them and their respective addresses and occupations, by displaying it or causing it to be displayed at the place or places appointed for the delivery of nomination papers.

Withdrawal
of candidature.

50. Any candidate may withdraw from his candidature by notice in writing signed by himself and delivered by himself or one of the persons nominating him to the Electoral Officer at any time not later than seven days before the election, and the Electoral Officer shall thereupon publish notification of such withdrawal.

Death of
candidate.

51. If after the latest time for the delivery of the nomination papers but before the commencement of the poll a nominated candidate dies, the Electoral Officer shall upon being satisfied of the fact of death countermand the poll, and the Electoral Commission shall appoint some other convenient date for the election in that constituency.

Plural
candidature.

52. A candidate who has been nominated in accordance with the correct procedure, but has been nominated for more than one constituency, must withdraw from his candidature in all such constituencies except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all such constituencies.

When
contest
takes place.

53. (1) If after the latest time for the delivery of the nomination papers and for the withdrawal of candidates there is more than one person standing nominated a poll shall take place as provided for in these regulations.

(2) If after the expiration of such time there is only one person whose name is validly nominated that person shall be declared elected.

54. Where a person is declared elected under the provisions of regulation 53 a certificate of return shall be issued and delivered and the result of the election shall be published in the manner provided for in Part VII.

Uncontested election.

55. Where no candidate remains nominated on the date appointed for the election the Electoral Commission shall fix a date for another election.

Lack of nomination.

(B)—Contested Elections, General

56. In any contested election, the votes shall be given by ballot in each constituency and the results shall be ascertained by counting the votes given to each candidate, and the candidate to whom the majority of votes has been given shall be declared elected.

Ballot.

57. (1) When an election has to take place, the Electoral Officer shall appoint a sufficient number of polling stations in the constituency and allot the electors in the constituency amongst such polling stations.

Appointment of polling stations.

(2) Unless the Electoral Commission in any case otherwise directs, the Electoral Officer shall appoint at least one polling station in respect of each registration area and shall allot the electors in such registration area to the appropriate polling station.

58. (1) In respect of each polling station there shall be such number of polling officers appointed under regulation 13 as may be necessary to assist at the taking of the poll.

Officers at polling stations.

(2) One of such polling officers shall be nominated by the Electoral Officer to be in charge of the polling station and shall be known as the Presiding Officer.

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

59. The Electoral Officer shall—

Facilities at polling stations.

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

(b) furnish each Presiding Officer with such number of ballot boxes (and photographs in respect of such ballot boxes in the case of candidates who have provided the same) and such ballot papers under sealed covers as may be necessary ;

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

(d) provide each polling station with copies of the Register of Electors for the constituency, or that part of the Register which contains the names of the electors allotted to vote at the polling station ;

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

Allocation
of symbols.

60. (1) The Electoral Officer shall allot a distinctive symbol to each candidate having regard to the preference expressed by such candidate: Provided however that where a symbol is registered by a political party in accordance with regulation 141 the Electoral Officer shall allot that symbol to any candidate sponsored by that party.

(2) If any question arises as to whether or not a candidate is sponsored by a political party, it shall be referred to and determined by the Electoral Commission whose decision shall be final. Before making a decision the Electoral Commission shall so far as it appears practicable consult the leader or secretary of the political party concerned.

Ballot boxes.

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

Ballot
papers.

62. Every ballot paper shall be in a form prescribed by the Electoral Commission and shall—

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

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

Polling
agents.

63. (1) Each candidate may appoint two persons (referred to in these regulations as polling agents) to attend at each polling station in the constituency for which he is a candidate.

(2) The duties of polling agents may be laid down by the Electoral Commission.

(3) Notice in writing of the appointment of such polling agents stating their names and addresses, together with the polling station to which each has been assigned, shall be given by the candidate to the Electoral Officer no later than 3 days before the day fixed for the election.

(4) If any polling agent dies or becomes incapable of acting as such, the candidate may appoint another polling agent in his place and shall forthwith give to the Electoral Officer notice in writing of the name and address of the polling agent so appointed.

(5) A candidate, with or without his agent, may do any act or thing which his agent is authorised to do under these regulations.

Notice of
ballot.

64. The Electoral Officer shall, on or before the sixth day before the day of election, cause to be published in every registration area in such manner as he may think fit a notice specifying—

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

(b) the full names, arranged in alphabetical order of the surnames, places of residence and occupations of the candidates remaining nominated and the symbols he has allotted to such candidates;

(c) the limits of the registration area and an indication of the persons entitled to vote therein,

(d) the situation of the polling station or stations in each registration area.

(C)—The day of the Election

65. The hours fixed for the taking of the poll shall normally be from 7.0 a.m. to 6.0 p.m., but shall be a period of not less than 8 hours and subject to the provisions of regulation 87 shall be a continuous period, and varying periods may be prescribed in respect of different constituencies or parts of Nigeria.

Hours of
ballot.

66. (1) The Presiding Officer shall cause to be placed at the polling station ballot boxes equivalent in number to the number of candidates remaining nominated.

Preparation
of ballot
boxes.

(2) Each ballot box shall be clearly and durably marked with the candidate's name (and shall bear a photograph of the candidate in a case where the candidate has provided the same) and shall have the symbol allotted to him stencilled or painted upon all sides.

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

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

(5) The ballot boxes shall be placed so that they are clearly visible to electors entering the compartment and shall be as far as possible equidistant from the entrance to the compartment where they are placed and facing it and they shall be fixed in such position so that they cannot be moved during the hours of voting.

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

Issue of
ballot
paper.

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

(3) Before delivering a ballot paper to a voter, the Presiding Officer (but not any other polling officer), may require the voter to submit to being searched in private by the polling officer or by a person appointed by him for the purpose of ensuring that no ballot paper or papers relating to the election are already in his possession, and if the voter in such case does not submit to a search he shall not be entitled to receive a ballot paper. Provided however that no female voter shall be searched except by a female.

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

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

Marking
of ballot
paper, etc.

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

(c) the number of the voter in the Register of Electors shall be marked on the counterfoil;

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

(e) a date stamp or other mark shall be placed on the registration card to prevent its second use at that election.

Voter may
be ques-
tioned.

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

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

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

Marking
of thumb,
etc.

70. Immediately before casting his vote, a voter shall submit to having the ball of his left thumb or the outer edge of the lower part of his left forefinger (whichever the Electoral Officer may prescribe) marked with ink sufficiently indelible to leave a mark for a period of approximately 10 hours.

Recording
of vote.

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

No double
voting.

72. A voter shall not vote for more candidates than one nor record more than one vote in favour of any candidate.

No mark
on ballot
paper.

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

(2) For the purpose of this regulation a fingerprint resulting from the staining of the thumb or forefinger of the voter in accordance with regulation 70 shall not be regarded as a mark of identification.

Accidental
destruction
of paper.

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

Blind and
other voters.

75. A voter who is unable to distinguish symbols or who suffers from blindness or from any other physical disability may be accompanied by such friend or relative as he may choose, who shall, after informing the Presiding Officer, be permitted in the presence of the voter alone, to place the ballot paper in the ballot box nominated by the voter.

Personal
attendance.

76. A vote may not be recorded by an elector except by his attending in person at the polling station and recording his vote in accordance with these regulations.

Appropriate
polling
station.

77. Subject to the provisions of regulation 80 no person shall be permitted to vote at any polling station other than the one to which he is allotted.

(D)—Voting of Persons on Duty at Polling Stations

78. (1) So far as practicable election officers and police officers on duty at polling stations shall *not* be allocated to polling stations, at which they are entitled to vote.

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

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

(3) A Presiding Officer on duty at a polling station at which he is registered as entitled to vote shall before the day of the election inform the Electoral Officer who shall supervise the formalities necessary for the casting of such Presiding Officer's vote or nominate a polling officer or some other person so to do.

79. An election officer or police officer on duty at a polling station shall, if the polling station at which such officer is registered as entitled to vote is not an unreasonable distance away, be permitted to leave the polling station at which he is on duty in order to cast his vote, if the Presiding Officer considers that at some time on the day of the election that will be reasonable and convenient.

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

80. (1) Where compliance with paragraph (1) of regulation 78 or with regulation 79 is not practicable, but both polling stations concerned are within the same constituency, the Presiding Officer in charge of the polling station where such officer is registered as being entitled to vote, shall issue a certificate of polling duties in the prescribed form, and such latter Presiding Officer may issue in exchange a certified extract in the prescribed form of the Register of Electors or part thereof in his custody.

Certified extract of Register may be used in certain cases.

Second Schedule form 6.
Second Schedule form 7.

(2) Upon issue of a certified extract by a Presiding Officer he shall mark the Register of Electors or part thereof in his custody with some appropriate mark and shall proceed as though the officer concerned had cast his vote, and shall retain the certificate of polling duties which he has received, for delivery with other election papers in accordance with regulation 89.

(3) Upon receipt of a certified extract from another polling station, a Presiding Officer shall treat the particulars in such certificate as an addition to the Register of Electors or part thereof in his custody, and the procedure set out in regulation 67 to 76 shall be followed accordingly to enable any officer whose particulars are included in such certificate to vote at the polling station at which they are on duty. The Presiding Officer shall retain such certified extract for delivery with other election papers in accordance with regulation 89.

(E)—Irregularities at Election

81. If at the time a person applies for a ballot paper, or after he has applied and before he has left the polling station, a polling agent declares to the Presiding Officer that he has reasonable cause to believe that the applicant has committed an offence of impersonation and undertakes to substantiate the charge in a court of law, the Presiding Officer (but not any other polling officer) may order a police officer to arrest such person, and the order of the Presiding Officer shall be sufficient authority for the police officer so to do.

Declaration as to impersonation.

Votes may
be protested
against.

82. Any person in respect of whom a polling agent makes such a declaration shall not, by reason thereof, be prevented from voting but the Presiding Officer shall cause the words "*protested against for impersonation*" to be placed against that name in the marked copy of the Register of Electors: Provided that where a person in respect of whom such declaration is made admits to the Presiding Officer that he is not the person he holds himself out to be, he shall not be permitted to vote if he has not already done so, and if he has already voted the Presiding Officer shall make a note of the number of the ballot paper delivered to him, and upon the count being taken, such ballot paper shall be invalid.

Validity
of arrest.

83. A person arrested under the provisions of regulation 81 shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

Tendered
ballot
papers.

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

(2) It shall then be set aside in accordance with the wishes of the person voting in one of a number of separate packets each of which shall correspond to and bear the same symbol as the appropriate ballot boxes, but shall not be opened by the Electoral Officer. The name of the elector and his number in the Register of Electors shall be entered on a list to be called the tendered votes list and this list shall be produced in any legal proceedings arising out of the election.

Exclusion
of unauthor-
ised
persons,
and order
at polling
stations.

85. The Presiding Officer shall regulate the admission of voters to the polling station and shall exclude all other persons except candidates, polling agents, polling officers and any other person who has lawful reason to be admitted, and the Presiding Officer shall keep order and ensure compliance with these regulations at the polling station.

Removal of
persons
miscon-
ducting
themselves.

86. If any person misconducts himself at a polling station or fails to obey any lawful order of the Presiding Officer he may by order of the Presiding Officer (but not of any other polling officer) be removed from the polling station by a police officer or any other person authorised so to do in writing by the Presiding Officer. A person so removed shall not without the permission of the Presiding Officer again enter the polling station during the day of the election. Any person so removed may if charged with an offence in such station be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant: Provided that the provisions in this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having the opportunity of so voting.

87. (1) When the proceedings at any polling station are interrupted or obstructed by riot or open violence, the Presiding Officer may adjourn the proceedings until later in the day or until the following day and, after taking such precautions as are necessary to safeguard the ballot boxes and papers and other election requisites shall forthwith give notice to the Electoral Officer to this effect who shall notify the Electoral Commission.

Interruption
of election.

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

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

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

PART VII.—TERMINATION OF ELECTION, COUNTING, ETC.

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

Closing
of polling
station.

89. (1) As soon as practicable after the termination of voting the Presiding Officer shall in the presence of any polling agents in attendance, make up into separate packets sealed with his own seal and marked for identification—

Method of
dealing
with ballot
boxes and
election
papers.

(a) each ballot box in use at his polling station unopened and sealed so as to prevent introduction of additional ballot papers;

(b) the marked copy of the register of electors, together with any certified extracts of the Register which he has received from other Presiding Officers under regulation 80;

(c) the counterfoils of the used ballot papers;

(d) the tendered ballot papers in separate packets relating to each candidate;

(e) the tendered votes list;

(f) the unused and spoilt ballot papers placed together;

(g) the statement of the ballot papers which were noted invalid;

(h) any certificates of polling officers' duties he has received from other Presiding Officers under regulation 80;

and shall deliver the packets to the Returning Officer.

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

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

(a) (i) the number of ballot papers entrusted to him;

(ii) the number of spoilt ballot papers;

(iii) the number of unused ballot papers;

(iv) the number of ballot papers cancelled as being found in the voting compartment outside the ballot boxes;

(b) the number of tendered ballot papers;

(c) the number of persons marked on the Register of Electors (including any additions deemed to be made thereto in accordance with regulation 80) as having been issued with a ballot paper.

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

Counting
agents.

90. (1) Each candidate may appoint no more than two persons (hereinafter referred to as counting agents) to attend at the counting of the votes.

(2) Notice in writing of the appointment stating the names and addresses of the counting agents shall be given by the candidate to the Returning Officer not later than one day before the day of the election and the Returning Officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom no such notice has been given.

(3) If a counting agent dies, or becomes incapable of acting as such, a candidate may appoint another counting agent in his place and the candidate shall immediately notify the Returning Officer in writing of the name and address of the counting agent so appointed.

Counting
of votes.

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

(2) The Returning Officer may if he thinks fit authorise any of his assistants (but no candidate or agent of a candidate) to supervise the counting of the votes and certify the same.

(3) Except with the consent of the Returning Officer, who shall have sole charge of the counting, no person other than the Returning Officer, his assistants, the candidates and their counting agents may be present at the counting of the votes.

Method of
counting.

92. (1) The Returning Officer shall, in the presence of any candidates or counting agents who wish to be present, open each ballot box one by one. He shall then proceed to count the ballot papers in the boxes and shall record the total number of votes cast in favour of the candidate whose symbol is marked on the ballot box concerned. While counting the ballot papers the Returning Officer shall keep the ballot papers with their face upwards.

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

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

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

Statement
of rejected
papers.

93. The Returning Officer shall then prepare a statement showing the number of ballot papers rejected and shall on request allow any counting agent to copy the statement. No candidate or counting agent shall record the number of any rejected ballot paper which he sees during the counting.

94. The decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final and shall be subject to review only on an election petition questioning the election.

Returning Officer's decision final.

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

Method of dealing with papers.

96. A candidate or his counting agent may, if present when the counting or any re-count of the papers is concluded, require the Returning Officer to have the votes re-counted or again re-counted but the Returning Officer shall have power to refuse to do so if, in his opinion the request is unreasonable.

Re-count.

97. When an equality of votes is found to exist between any candidates so that the addition of a vote would entitle any one of the candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and shall proceed as if the candidate on whom the lot falls had received one additional vote, and shall declare such candidate to be elected.

Decision by lot if an equality.

98. After counting the votes and having ascertained the result of the polls the Returning Officer shall—

Certificate and declaration of result.

(a) complete a certificate of return in the prescribed form ;

Second Schedule. Form 7.

(b) declare the result of the poll by reading such completed form aloud in the place of counting ;

(c) cause to be delivered to the Electoral Commission the original of such certificate.

99. The Electoral Commission shall cause to be posted in such place or places as they think fit a notice of the result of the election, and shall inform the Clerk of the House of Representatives, who shall cause the result to be published in the *Gazette* of the Federation.

Publication of return.

100. (1) The Returning Officer shall deliver all documents relating to the conduct of the election to the Electoral Officer who shall ensure their safe custody.

Safe custody of records.

(2) The Electoral Officer shall, subject to any direction of the Electoral Commission, retain for six months all documents relating to an election forwarded to him in accordance with these regulations and then, unless otherwise ordered by the High Court, or unless he is aware that legal proceedings are pending in respect of such election, shall cause them to be destroyed.

PART VIII.—ELECTORAL OFFENCES

Corrupt
practices.

101. (1) If any corrupt practice is committed by any candidate elected at an election held under the provisions of these regulations, the election of such candidate shall be invalid.

(2) The expression "corrupt practice" as used in these regulations means any of the following offences—

- (a) personation ;
- (b) treating ;
- (c) undue influence ;
- (d) bribery, or
- (e) aiding, abetting, counselling or procuring any such offences.

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

Personation
and punish-
ment
therefor.

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

(2) Any person who is guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation, shall be liable to a fine of £50 and imprisonment for six months.

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

Certain
persons
guilty of
treating.

103. The following persons shall be guilty of treating—

(a) any person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides or pays, wholly or in part, the expense of giving or providing any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election ; and

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

Undue
influence.

104. Any person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of, any force, violence, or restraint, or inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel anyone to vote or refrain from voting, or on account of anyone having voted or refrained from voting, at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free use of the vote by any elector or thereby compels, induces or prevails upon any elector either to give or refrain from giving his vote at any election, shall be guilty of undue influence.

Persons to
be deemed
guilty of
bribery.

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

(a) any person who directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, at any election;

(b) any person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises or promises to procure or to endeavour to procure, any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting, at any election;

(c) any person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure, or to endeavour to procure, the return of any person as a member of the House of Representatives or the vote of any elector at any election;

(d) any person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, or promises or endeavours to procure, the return of any person as a member of the House of Representatives or the vote of any elector at any election;

(e) any person who advances or pays, or causes to be paid, any money to or for the use of any other person, with the intent that such money or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

(f) any elector who before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election;

(g) any person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any such election:

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

106. (1) Any person who is guilty of bribery, treating, or undue influence, shall be liable to a fine of £100 and imprisonment for one year.

Punishment
of bribery,
treating and
undue
influence.

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

(a) of being registered as an elector at any election to the House of Representatives ;

(b) of being elected as a member of the House of Representatives, or if elected before his conviction, of retaining his seat as such member.

107. (1) Any person who—

(a) forges or fraudulently defaces or fraudulently destroys any nomination papers, or delivers to the officer to whom the nomination papers, etc., are required by these regulations to be delivered any nomination paper knowing the same to be forged ; or

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

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

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

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

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

shall be guilty of an offence and liable to a fine of £200 and imprisonment for two years.

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

(3) In any prosecution for an offence in relation to nomination papers, ballot papers, ballot boxes and marking instruments at an election the property in such papers, boxes and instruments may be stated to be in the officer charged with the conduct of such election.

108. Any officer appointed in accordance with Part IV who is without reasonable cause guilty of any act or omission in breach of his official duty shall be guilty of an offence and on conviction liable to a fine of £100 and imprisonment for 12 months.

109. (1) The officer charged with the conduct of any election and his assistants and every polling agent and counting agent or candidate in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

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

Offences in
respect of
nomination,
etc.

Dereliction
of duty by
Polling
Officer.

Require-
ment of
secrecy.

(3) No person shall—

(a) interfere with an elector recording his vote ; or
 (b) otherwise obtain or attempt to obtain in a place of voting information as to the candidate for whom an elector in that place is about to vote or has voted ; or

(c) communicate at any time to any person any information obtained in a place of voting as to the candidate for whom an elector in that place is about to vote or has voted.

(4) If any person acts in contravention of the provisions of this regulation he shall be guilty of an offence and liable upon conviction to a fine of £50 and imprisonment for six months.

110. Any person who—

(a) votes, or induces or procures any person to vote, at any election, knowing that he or such person is prohibited by these regulations, or by any other law, from voting at such election ; or

(b) before or during an election, knowingly or recklessly publishes any false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate ;

(c) before or during an election knowingly or recklessly publishes any false statement of fact in relation to the personal character or conduct of a candidate calculated to prejudice the chance of such candidate to be elected at such election for the purpose of promoting or procuring the election of another candidate (unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true) ;

shall be guilty of an illegal practice and liable to a fine of £50 and imprisonment for six months, and shall be incapable, during a period of five years from the date of his conviction, of being registered as an elector or of voting at any election.

Punishment
of persons
guilty of
certain
illegal
practices.

111. Any person who—

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

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

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

shall be guilty of an offence and liable to a fine of £50 and imprisonment for six months.

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

(2) In order to detect whether an offence under paragraph (1) (b) has been committed the Presiding Officer at any polling station (but not any other polling officer) may require a person who has voted to submit to being searched in private by a polling officer or any other person appointed by him for the purpose of ensuring that no ballot paper or papers can be taken out of the polling station : Provided however that no female voter shall be searched except by a female.

112. Any person who is convicted of an offence under regulation 107, 109 and 111 shall, in addition to any punishment, be deemed incapable for a period of five years after the date of his conviction—

(a) of being registered as an elector or voting at an election ; or

(b) of being elected as a member of the House of Representatives or, if elected, of retaining his seat.

Disqualifica-
tion
following
certain
convictions.

113. Any person who at an election acts or incites others to act in a disorderly manner for the purpose of preventing or obstructing the conduct of such election shall be guilty of an offence and liable to a fine of £50 and imprisonment for six months.

114. (1) No person shall on the date on which an election is held commit any of the following acts within a polling station or within a distance of 200 yards of a polling station namely—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election;
- (e) shouting slogans concerning the election;
- (f) is in possession of any offensive weapon or wears any dress or has any facial or other decoration which is calculated to intimidate voters;
- (g) exhibiting, wearing or tendering any notice, symbol, badge, photograph or party card referring to the election: Provided that this provision shall not prohibit—
 - (i) the retention on a vehicle of a flag of a political party if the same is furled, or
 - (ii) the showing to a polling officer in a polling station by a voter of a card issued by a political party.

(2) No person shall on the date on which an election is held in the constituency—

- (a) convene, hold or attend any public meeting;
- (b) operate any megaphone, amplifier or public address apparatus for the purpose of making announcements concerned with the election (unless he is an officer appointed under these regulations making official announcements).

(3) Any person who contravenes this regulation shall be guilty of an offence and liable to a fine of £100 and imprisonment for one year for each offence.

115. Any person who—

- (a) without lawful authority destroys, mutilates, defaces or removes or makes any alteration in any notice or any document required to be made for the purposes of registration; or
- (b) wilfully or knowingly gives false information or makes a false statement with reference to any application to have his name placed on, or with reference to any objection to the retention of the name of a person on, the Register of Electors; or

(c) publishes any statement, rumour or report which he knows or has reason to believe is false for the purpose of preventing persons who are qualified as electors from registering as such; or

(d) makes in any record, register or document which he is required to prepare, publish or keep for the purpose of registration, any entry or statement which he knows to be false or does not believe to be true,

shall be guilty of an offence and liable to a fine of £100 and imprisonment for twelve months.

116. Any person who, at a political meeting held in any constituency after the date when an election has been announced—

(a) acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together; or

(b) has in his possession any offensive weapon or missile, shall be guilty of an offence and liable to a fine of £100 and imprisonment for twelve months.

117. Any person who in respect of a registration card issued in accordance with regulation 28—

(a) hands the same over (other than for the purposes of safe custody) to a person other than an officer appointed under these regulations acting in the course of his duty;

(b) receives the same (other than for the purpose of safe custody) not being an officer appointed under these regulations acting in the course of his duty; or

(c) except for the purpose of safe custody is in possession of two or more of such cards,

shall be guilty of an offence and liable to a fine of £50 and imprisonment for six months.

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

(2) Any person who contravenes the provisions of paragraph (1) or contravenes any provision of directions issued by the Electoral Commission in accordance with regulation 142 in relation to the use of vehicles or the registration thereof shall be guilty of an offence and liable to a fine of £50 and imprisonment for six months.

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

120. Where any person is convicted of an offence under this Part which disqualifies such person from being registered as an elector, or being elected as a member of the House of Representatives, the court by which he is convicted shall send to the Electoral Commission a notification of such conviction and in the event of an appeal of the result of such appeal.

Disorderliness at political meetings.

Improper use of registration cards.

Improper use of vehicles.

Breach of direction as to use of vehicles.

Penalties to be maximum penalties and certain penalties cumulative.

Notification of conviction to Electoral Commission.

PART IX.—ELECTION PETITIONS

Method of
questioning
elections.

121. No election and no return to the House of Representatives shall be questioned except by a petition complaining about the election or the return (hereinafter referred to as an election petition) presented to the High Court of the Region in which the constituency is situated.

Who may
present
petition.

122. An election petition may be presented by one or more of the following persons—

(a) a person who voted at the election or who had a right so to vote ; or

(b) a person claiming to have had a right to be elected or to be returned at the election ; or

(c) a person alleging himself to have been a candidate at the election.

Time for
presentation.

123. The petition shall be presented within one month after the date on which the election is held.

Grounds for
petition.

124. (1) An election may be questioned on the following grounds—

(a) that a person whose election is questioned was, at the time of the election, not qualified or was disqualified from being elected as a member of the House of Representatives ;

(b) that the election was invalidated by corrupt practices or (subject to the provisions of regulation 132) non-compliance with these regulations ;

(c) that the respondent was, at the time of the election, not duly elected by a majority of lawful votes at the election ;

(d) that the petitioner was validly nominated but was unlawfully excluded from the election.

(2) An act or omission which is contrary to an instruction or direction of the Electoral Commission or of any officer appointed for the purpose of the election, but which is not contrary to these regulations, shall not of itself be grounds upon which an election may be questioned.

Security for
costs.

125. (1) After presenting an election petition the petitioner shall, within such time as the court may order, give security for the payment of all costs, charges and expenses which may become payable by him to any witnesses summoned on his behalf or to any respondent.

(2) The security shall be of such amount (not exceeding £100), and shall be given in such manner as the court may order and, in the event of any failure to comply with such order, no proceedings shall be heard on the petition.

Open court.

126. Every election petition shall be tried by the High Court in open court.

Effect of
determina-
tion.

127. (1) At the conclusion of the trial, the court shall determine whether a person whose election or return is complained of or any other person, and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Electoral Commission. Upon such certification being given the election shall be confirmed, or (subject to the provisions of regulation 135 (2) in the event of an appeal) a new election shall be held in accordance with such certification (or in accordance with the finding upon the determination of such appeal).

(2) Where a new election is to be held under the provisions of this paragraph, the Electoral Commission shall appoint a date for such election.

128. Election petitions shall, in respect of the right of hearing by the Court, enjoy precedence over all proceedings other than those which are part heard. Priority.

129. A person called as a witness in any proceedings in the High Court under this Part shall not be excused from answering any question relating to any offence at or connected with such election on the grounds that the answer thereto may incriminate or tend to incriminate himself, or on the grounds of privilege: Provided that— Privilege.

(a) a witness who answers truly all questions which he is required by the court to answer shall be entitled to receive a certificate of indemnity under the hand of the presiding Judge stating that such witness has so answered; and

(b) an answer by a person to a question before the court shall not, except in the case of any criminal proceedings for perjury in respect of such evidence, be admissible in any proceedings civil or criminal in evidence against him.

(2) When a person has received a certificate of indemnity in relation to an election and any legal proceedings are at any time brought against him for an offence against the provisions of these proposals committed by him previously to the date of the certificate at or in relation to the said election, the court having cognizance of the case shall, on proof of the certificate, stay the proceedings and may, at its discretion, award to the said person such costs as he may have been put to in the proceedings.

130. (1) All costs of or incidental to, the presentation of an election petition and the proceedings consequent thereon shall be defrayed by the parties to the petition in such manner and in such proportions as the High Court may determine. Costs.

(2) Where the court declares an election to be void, the court may, if satisfied that the invalidity of the election was due either wholly or in part to the culpable default of any officer responsible for the conduct of the election in the performance of his duties imposed by these proposals, order that the whole or any part of the costs awarded to the successful petitioner be paid by such officer.

(3) There shall be a right of appeal to the Federal Supreme Court against an order for the payment of costs.

131. The Chief Justice of the Federal Supreme Court may make rules for regulating the practice or procedure to be observed at the trial of an election petition. Subject to such rules, the procedure of the trial of the election petition shall, as near as circumstances permit, be the same and the court shall have the same powers as if it were trying a civil action and the witnesses shall be subpoenaed and sworn in the same manner and as near as circumstances permit as in a civil action in the High Court and the witnesses shall be subject to the same form of procedure. Procedure rules.

Substantial
compliance.

132. (1) An election shall not be invalidated by reason of non-compliance with these regulations if it appears to the court having cognizance of the question that the election was conducted substantially in accordance with these regulations, and that the non-compliance did not affect the result of the election.

(2) An election shall not be questioned by reason of a defect in the title or want of a title of the person conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to conduct an election.

Decision as
to vacancy
in House.

133. (1) Any question as to whether the seat of any elected member of the House of Representatives has become vacant shall be referred to and decided by the High Court in accordance with the procedure prescribed for the trial of an election petition, and the decision of the High Court shall be final.

(2) Proceedings under this regulation may be instituted by any person qualifying as an elector in the constituency which the elected member represents.

(3) The court shall certify its decision in writing to the Electoral Commission.

Appeal from
election
petition.

134. (1) An appeal shall lie to the Federal Supreme Court from the determination of a High Court upon an election petition at the suit of a party to such petition.

(2) Notwithstanding any provisions to the contrary, the Federal Supreme Court shall not entertain any appeal in accordance with this regulation unless notice of such appeal shall have been given within one month of the determination in question.

Effect on
election
return of
notice of
appeal.

135. (1) If the High Court shall have determined that a candidate returned as elected was not duly elected, then the candidate declared by the court as elected shall from the time of the decision of the High Court be deemed to be duly elected until any determination of the Federal Supreme Court to the contrary.

(2) If the High Court shall have determined that a candidate returned as elected was not duly elected and that the election was void then if notice of appeal from such determination shall have been given within one month the candidate returned as elected shall, notwithstanding the decision of the court, be deemed to have been duly elected for the period until the determination of the Federal Supreme Court be given on such appeal or the appeal shall be abandoned.

Priority in
respect of
appeals.

136. Appeals from election petitions shall, in respect of hearing by the Federal Supreme Court, enjoy precedence over all proceedings other than those which are part heard.

PART X.—GENERAL PROVISIONS

137. No person who has voted in an election to the House of Representatives shall in any legal proceedings arising out of the election be required to state for whom he has voted.

Secrecy.

138. (1) Where a date has been appointed for a holding of an election and there is reason to apprehend that a serious breach of the peace is likely to occur if the election is proceeded with on that date, the holding of the election may be postponed by the Electoral Commission until some other convenient date to be appointed by them later.

Election may be postponed if disturbance feared.

(2) Where an election is postponed before the last day for the delivery of nomination papers, the Electoral Officer shall upon a new date being appointed for the election proceed in all respects as if the date had been appointed under regulation 43.

(3) Where an election is postponed under these regulations on or after the last day for the delivery of the nomination papers, and a poll has to be taken between the candidates then nominated, the Electoral Officer shall, upon a new date being appointed for the election, proceed as if the date appointed were the date for the taking of the poll between those candidates.

(4) An election postponed under this paragraph may in like manner be further postponed.

139. (1) An order for—

(a) an inspection by production of any rejected ballot papers in the custody of an Electoral Officer or

(b) for the opening of a sealed packet of counterfoils in respect of any counted ballot papers or marked copy of a Register of Electors or any other packet in the custody of an Electoral Officer.

Court may order inspection of records

may be made by the High Court if the Court is satisfied that the order required is for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an election petition.

(2) An order for the opening of a packet of counterfoils or for the inspection of any counted or rejected ballot papers in such custody may be made by the High Court in the course of proceedings in an election petition.

(3) An order under this regulation may be made subject to such conditions as the Court may think expedient.

140. (1) Subject to the provisions of this regulation a candidate of an election shall for the purpose of holding public meetings in furtherance of his candidature be entitled to the use at reasonable times between the date on which the election has been announced to take place and the day before such election of a suitable room in the premises of any school vested in a Local Authority or Local Government Council or any public building being the property of such an Authority or Council in which meetings are normally held. Provided that reasonable notice be given and that such use does not interfere with the normal use of that building.

Use of public buildings.

(2) This regulation shall apply only to a school or a building situated in the same constituency for which a candidate stands for election.

(3) Where a room or building is used for a meeting in pursuance of this regulation the person on whose behalf the meeting is convened—

(a) may be required to pay for the use of the room or building a charge not exceeding the amount of any actual and necessary expenses incurred in the preparation, lighting and cleaning of the room, and providing attendance at the meeting and restoring the room to its usual condition after the meeting ;

(b) shall defray any damage done to the room or premises with which it is set out or to the furniture, fittings, or apparatus in the room or premises.

Symbols.

141. (1) A register of symbols for use at elections shall be kept by the Electoral Commission.

(2) A political party may apply to the Electoral Commission for entry in the register of a symbol to be used by it at elections, and the Electoral Commission, if satisfied—

(a) that no other symbol of the same design is registered : and

(b) that the symbol is distinctive from any other symbol which is registered ; and

(c) that its use will not be contrary to law or morality

may upon payment by such party to the Federal Treasury of a registration fee of £20 register such symbol.

(3) The following shall not be registered or allotted for use as symbols at an election—

(a) the Royal Arms or any device or emblem which in the opinion of the Electoral Commission is normally associated with the official acts of Government ;

(b) any device or emblem which in the opinion of the Electoral Commission is normally associated with the regalia of a chief, or with any religion, cult or tribe.

(c) any representation of any person living or dead ;

(d) any symbol which has already been registered by another party in a Region under provisions corresponding to the provisions of this regulation.

(4) a symbol may be removed from the Register—

(a) on the application of the party by which it was registered, or

(b) by the Electoral Commission if in their opinion the party by which it was registered has ceased to exist or to use such a symbol.

(5) An application under this regulation shall be made by the secretary of the party concerned.

142. (1) Without prejudice to the provisions of Regulation 118 the Electoral Commission may by direction in the *Gazette* of the Federation over the hand of the Chief Electoral Commissioner impose such restrictions as they may deem expedient on the use of vehicles or vehicles of any particular description or water transport for the conveyance of voters at an election, and on the letting, lending or hiring of vehicles for such purpose.

Electoral Commission may impose restrictions on use of vehicles.

(2) For such purpose such direction may provide for registration of vehicles so used, or lent, let or hired.

(3) A breach or non-compliance with any provision of such direction shall be an offence punishable in accordance with the provisions of Part VIII of these regulations.

143. (1) The following regulations shall be revoked with effect from the date that provision for the proposed House of Representatives shall have been made by order of Her Majesty in Council and shall have come into operation—

Revocation.

(a) Elections (House of Representatives) (General Provisions) Regulations, 1954; L.N. 147 of 1954.

(b) Elections (House of Representatives) (Eastern Region) Regulations, 1954; L.N. 127 of 1954.

(c) Elections (House of Representatives) (Southern Cameroons) Regulations, 1954; L.N. 128 of 1954.

(d) Elections (House of Representatives) (Northern Region) Regulations, 1954; L.N. 146 of 1954.

(e) Elections (House of Representatives) (Western Region) Regulations, 1954; L.N. 148 of 1954.

(f) Elections (House of Representatives) (Lagos) Regulations, 1954. L.N. 150 of 1954.

(2) Any disqualification incurred in accordance with such regulations shall continue upon such revocation as though no revocation had taken place.

FIRST SCHEDULE

(Regs. 2, 4, 19)

RULES AS TO THE ORDINARY RESIDENCE OF ELECTORS

1. The place of ordinary residence of a person is usually that place which has always or generally been his home, or which he has adopted as his home, and is the place to which he intends to return when away therefrom.

2. Where a person usually sleeps in one place and has his meals or is employed in another place, his place of ordinary residence will be where he sleeps.

3. For the purpose of these rules it will be assumed that a person can have only one place of ordinary residence and that it cannot be lost until it is replaced by another.

4. Temporary absence does not cause a loss, and an absence of less than six months, or which is anticipated to be less than six months, will be regarded as temporary if the intention is to resume actual residence within that period.

5. Where after consideration of these rules in respect of an application for registration or objection thereto there appears some doubt as to whether a person's ordinary residence is in one registration area or another, a Registration Officer may decide between such respective areas (and other matters being equal may take into account the probable convenience of the applicant) and his decision shall in such case be conclusive in respect of any application for registration or objection thereto.

SECOND SCHEDULE

FORM 1

Elections (House of Representatives) Regulations, 1958

Registration Application Form

(Reg. 26)

To The Registration Officer,

Registration Area,

Constituency

Date 19

I, of apply to be included in the Preliminary List for the Register of Electors for the above Constituency and Registration Area.

2. I am a British Subject or British Protected Person.

3. I am 21 years of age or over, and male/female.

4. I am ordinarily resident at the above address [or

5. My occupation is

6. I declare that the above particulars are true to the best of my belief and that I am not already registered in this or any other Preliminary List or Register of Electors under the above Regulations.

Signed

or

Right thumb print impressed in the presence of—

Witness to thumb print

Address and occupation of such witness

FORM 2

Elections (House of Representatives) Regulations, 1958

Claim for Correction of or Insertion of Name in Preliminary List (Reg. 32 (1))

To The Registration Officer,

Registration Area,

Constituency. Date 19

I, _____ of _____ declare that I applied for inclusion in the Preliminary List for the Register of Electors for the above Registration Area on the 19 and that my particulars have been [omitted/inaccurately stated].

2. I am a British Subject or British Protected Person.

3. I am 21 years of age or over, and male/female.

4. I am ordinarily resident at the above address [or

5. My occupation is _____]

6. I hereby apply for the Preliminary List to be [completed/corrected] accordingly.

7. I declare that the above particulars are true to the best of my belief and that I am not already registered in this or any other Preliminary List or Register of Electors under the above Regulations.

Signed

or

Right thumb print impressed in the presence of—

Witness to thumb print

Address and occupation of such witness

FORM 3

Elections (House of Representatives) Regulations, 1958

Objection to Name in Preliminary List (Reg. 32 (2))

To THE REGISTRATION OFFICER,

Registration Area,

Constituency. Date 19

I, _____ of _____ whose name appears in the Preliminary List for the above Registration Area, hereby give notice that I object to the inclusion in such list of the name of _____ whose address is given as _____ on the following grounds—

2. I wish to produce the following witnesses

Signed

Objector

FORM 4

Elections (House of Representatives) Regulations, 1958

Nomination Form

(Reg. 45)

To THE ELECTORAL OFFICER,

Constituency.

Date 19.....

1. I, of (address)

....., (occupation) am

the candidate to whom this nomination paper relates.

2. I am willing to stand for election to the House of Representatives as member for the above Constituency.

3. I am qualified and am not disqualified for election in such constituency in accordance with sections 9 and 10 of the Nigeria (Constitution) Order in Council, 1954, for election.

4. I am not disqualified for election by virtue of any provision of the above Regulations or any regulations revoked by them.

5. In the event of a contested election my preference of symbol is.....

[6. In the event of a contested election I wish to have my photograph displayed on each ballot box and I deliver herewith such number of photographs [not exceeding in size 6" x 6"] as may be required for that purpose]. [Delete if candidate does not desire photographs].

Signed.....
Candidate

We, being registered as electors in the above Constituency, do nominate the above candidate—

(1) Name

(2) Address

(3) Occupation

Signed.....

First Nominator

(4) Registered in.....Registration Area.

(1) Name

(2) Address

(3) Occupation

Signed.....

Second Nominator

(4) Registered in.....Registration Area.

FORM 5

Elections (House of Representatives) Regulations, 1958
Electoral Officer's Ruling as to Validity of Nomination (Reg. 48)

To— (Prospective Candidate)

Take notice that a nomination paper received by me on
 in your favour [has been accepted by me as appearing to be valid] or [has been
 rejected by me as appearing to be invalid upon the following grounds—

Dated _____

Signed _____

Electoral Officer

FORM 6

Elections (House of Representatives) Regulations, 1958

Certificate of Polling Duties

(Reg. 80)

To The Presiding Officer,

Polling Station (where proposed elector is registered)

Constituency.

Date _____

1. I certify that _____

of _____

whose occupation is _____

is employed at the Polling Station named below as _____
 and that in my opinion he cannot reasonably and conveniently be released to vote at
 another Polling Station:

2. Such person states that he is included in the part of the Register of Electors
 appropriate to your Polling Station which is in the same Constituency as that named
 beneath.

3. A certified Extract of the Registrar containing particulars relating to the above
 person is accordingly requested in accordance with regulation 80.

Signed _____

Presiding Officer
(where proposed elector is employed)

Polling Station _____

Constituency _____

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

Signed _____

(Proposed Elector)

FORM 7

Elections (House of Representatives) Regulations, 1958

Certified Extract of Register

(Reg. 80)

To The Presiding Officer,

Polling Station (where proposed elector is employed)

Constituency

Date

1. I certify that the following particulars are contained in the part of the Register of Electors relating to the above Polling Station—

Name

Address

Occupation

Sex

Number in Register

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

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

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

Signed

Presiding Officer
(where proposed elector is registered)

Polling Station

Constituency

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

Signed

Proposed Elector

Elections (House of Representatives) Regulations, 1958

Declaration of Result of Poll

(Reg. 98)

Constituency

I certify that having carried out my duties and the formalities required by the Elections (House of Representatives) Regulations, 1958, the result of the poll carried out in the _____ Constituency on the

_____ day of _____ 19____ is as follows in order of the number of votes each candidate received—

1. Candidate _____	Votes received _____
2. Candidate _____	Votes received _____
3. Candidate _____	Votes received _____
4. Candidate _____	Votes received _____

DATED this _____, 19____

Signed _____
Returning Officer

MADE at Lagos this 19th July, 1958.

MAURICE JENKINS,
Acting Deputy Secretary to the
Council of Ministers

EXPLANATORY NOTE

These regulations are substantially those which were recommended by the *ad hoc* Constitutional Conference, and will govern elections throughout Nigeria in substitution for the regulations enacted separately in 1954 for each Region, for Lagos and for the Southern Cameroons. They provide for universal adult suffrage (although in respect of males in the Northern Region) and for direct elections.

The only differences from the recommended form are consequential on the subsequent enactment of the Nigeria (Electoral Provisions) Order in Council, 1958, which, as anticipated, itself provides for the appointment of the Electoral Commission and therefore permits the excision of such provision from the regulations.

These regulations apply only in respect of the preparations for the elections to the proposed new House of Representatives of 320 elected members, and while the present House continues the existing regulations remain in force.

(NI 20/8)

L.N. 118 of 1958

EXCISE ORDINANCE (CHAPTER 65)

Excise (Distillation of Spirits) Regulations, 1958

Commencement : 24th July, 1958

In exercise of the powers conferred by section 83 of the Excise Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Excise (Distillation of Spirits) Regulations, 1958.

Citation.

2. In these regulations, in the Distillation of Spirits Ordinance, 1957, and for the purpose of any excise duty levied on spirits—

Definitions.

"proof" means the strength of proof as ascertained by Sykes hydrometer ;

"spirits" means ethyl alcohol of any description and includes all liquors made by mixing with ethyl alcohol and all mixtures, compounds or preparations made with ethyl alcohol.

3. (1) Save as provided by regulation 4, no licence shall be granted by the Comptroller under Part V of the Ordinance to any person to manufacture spirits at any premises unless the largest still to be used by such person for such purpose at such premises is of at least four hundred gallons capacity.

Restriction on licences to manufacture spirits, etc.

(2) The importation, distribution, sale, disposal and possession of stills, and of all apparatus or portions of apparatus suitable for the distillation of alcohol or the rectification or re-distillation of spirits, are prohibited except in accordance with the terms of a licence issued under Part V of the Ordinance or these regulations.

4. The Comptroller may, subject to such conditions as he may consider necessary, grant a licence to manufacture spirits if the spirit to be produced by the holder is to be used exclusively for scientific, medical, surgical or pharmaceutical purposes.

Spirits for certain limited purposes.

MADE at Lagos the 12th day of July, 1958.

MAURICE JENKINS,
Acting Deputy Secretary of the
Council of Ministers

EXPLANATORY NOTE

Together with Part V of the Excise Ordinance these regulations make it possible for licences to be granted in respect of stills for the manufacture of spirits.

Cu.1
F10636

L.N. 119 of 1958

EDUCATION (LAGOS) ORDINANCE, 1957

(No. 26 of 1957)

Education (Lagos) (Relaxation of Building Bye-Laws)
(No. 4) Order, 1958

Commencement : 24th July, 1958

In exercise of the powers conferred upon the Minister of Education by section 27 of the Education (Lagos) Ordinance, 1957, the following order has been made—

Citation.

1. This Order may be cited as the Education (Lagos) (Relaxation of Building Bye-laws) (No. 4) Order, 1958.

Relaxation
of Town-
ships (Lagos)
Bye-laws.
(Laws Vol. X
p. 211).

2. The provisions of the Townships (Lagos) Bye-laws set out in the second column of the Schedule hereto shall not apply in relation to the buildings set out in the first column of the said Schedule, plans of which have been approved in accordance with section 27 of the Education (Lagos) Ordinance, 1957.

SCHEDULE

<i>Name and address of School</i>	<i>Number of Bye-laws not to apply</i>
(i) United African Methodist Church School, Apapa Road, Ebute-Metta.	15, 16, 17 and 22
(ii) Ansar-ud-Deen Society School, Bola Street, Ebute-Metta.	
(iii) Ahmadiyya School, Elegbata, Lagos.	

MADE at Lagos, the 11th day of July, 1958.

S. G. MARSHALL,
Acting Permanent Secretary,
Ministry of Education, Lagos

SME63/S.3/C.1

L.N. 120 of 1958

CUSTOMS ORDINANCE (CHAPTER 48)

Open General Export Licence No. 2 of 1956

(Goods and Produce of Nigerian Origin)

(Amendment No. 3)

Commencement : 24th July, 1958

Open General Export Licence No. 2 of 1956 (published as Legal Notice No. 105 of 1956) is hereby amended by deleting the following items from the First Schedule thereto :—

					<i>Export List No.</i>	
					<i>Group</i>	<i>Item</i>
1. Beans and yams	..	..	..	..	054	029
2. Beer	..	..	..	..	112	XX1
4. Cassava, garf and yam flour	..	..	..	..	055	XX0
8. Hen and guinea fowl eggs	..	..	..	..	02X	000
9. Maize	..	..	..	..	044	010
11. Rice	..	..	..	..	042	XX0

R. E. VIDAL,
Export Licencing Authority,
Federal Department of
Commerce and Industries

27th June, 1958.

EXPLANATORY NOTE

The effect of this amendment is that beans and yams, beer, cassava, gari and yam flour, hen and guinea fowl eggs, maize and rice, may now be freely exported to all countries. It is no longer necessary to obtain specific export licences for these commodities.

I.1888