

LAWS OF PITCAIRN, HENDERSON, DUCIE
AND OENO ISLANDS

Revised Edition 2017

CHAPTER XI

LOCAL GOVERNMENT ORDINANCE

Arrangement of sections

PART I—PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II—ISLAND OFFICERS, ISLAND COUNCIL

3. Island Officers.
- 3A. Suspension from office.
4. Election of Mayor and provisions relating to casual vacancies.
5. Election of other Island Officers and provisions relating to casual vacancies.
6. Island Council.
7. Powers and duties of Council.
8. Incorporation of the Council.
9. Internal Committee.
10. Chief Executive Officer, Island Secretary, and Government Treasurer.

PART III—ELECTION OF ISLAND OFFICERS

- 10A. Interpretation.
11. Qualification of voters.
- 11A. Election year defined.
12. Preparation of Register of Voters.
13. Election day.
14. Qualification for election of Island Officers.
- 14A. Disqualifications for election and holding office as an Island Officer.
15. Nomination of candidates.
16. Elections.
17. Absentee voting.
18. Appointment of proxy to vote.

PART IV—ELECTION OFFENCES

19. Interfering with or influencing voters.
20. Offences in respect of official documents.

21. Voting offences.
22. Bribery.
23. Undue influence.
24. Infringement of secrecy.
25. Criminal proceedings.

PART V—DISPUTED ELECTIONS

26. Application for recount.
27. Scrutineers.
28. Conduct of recount.
29. Application for leave to bring petition for inquiry.
30. Hearing of election petition.
31. Who may be respondent.
32. Time for inquiry.
33. Powers of Magistrate.
34. Result of inquiry.
35. Election not void by reason of certain irregularities.
36. Costs of inquiry.
37. New election if declared void.
38. Order to be final.
39. Elections not to be questioned other than by petition.

An ordinance relating to the Local Government of Pitcairn,
Henderson, Ducie and Oeno Islands.

[8th November, 1964]

PART I—PRELIMINARY

1. This ordinance may be cited as the Local Government Ordinance.

2. In this ordinance unless the context otherwise requires—

[“Administrator” means the person appointed by the Governor to hold the public office of Administrator;]

(Inserted by Ordinance No. 4 of 2014)

“civic obligations” means work or services performed from time to time by inhabitants of the islands for the common benefit of the islanders;

(Inserted by Ordinance No. 5 of 2010)

“Council” means the Island Council constituted under the provisions of this ordinance;

“Councillor” means any person from time to time holding the office of Councillor under the provisions of this ordinance;

[“election year” has the meaning set out in 11A;]

(Inserted by Ordinance No. 6 of 2009)

Ordinances Nos:

1 of 1964.
1 of 1967.
1 of 1982.
1 of 1983.
6 of 1983,
2 of 1985.
1 of 1986.
1 of 1987.
1 of 1990.
1 of 1992.
4 of 1997.
1 of 2004.
7 of 2004.
2 of 2008.
3 of 2008.
6 of 2009.
4 of 2010.
5 of 2010.
2 of 2011.
1 of 2013.
3 of 2013.
4 of 2014.
1 of 2016.
Short title.

Interpretation.

“Government Treasurer” means the person from time to time appointed by the Governor to hold the public office of Government Treasurer;

“islander” means any inhabitant, whether temporary or permanent, of the Islands or any of them;

“Island Officer” means and includes any person from time to time holding the office of Mayor, [Deputy Mayor] or Councillor under the provisions of this ordinance;

(Amended by Ordinance No. 2 of 2011)

“Island Secretary” means the person from time to time appointed by the Governor to hold the public office of Island Secretary;

“Mayor” means the person from time to time holding the office of Mayor under the provisions of this ordinance;

“official office” means and includes any public office and any office to which any person is elected or appointed under the provisions of this ordinance;

“public office” means any office constituted under the provisions of [section 32 of the Constitution of Pitcairn], but shall not include any office to which any person is elected or appointed under the provisions of this ordinance;

(Amended by Ordinance No. 4 of 2010)

“public officer” means and includes any person from time to time appointed by the Governor to hold any public office;

“Recorder” means [a] person from time to time appointed by the Council, under the provisions of this ordinance, to receive and record votes at polls taken for the election of Island Officers;

(Amended by Ordinance No. 1 of 2013)

“the public notice board” means the notice board maintained on Pitcairn Island for the public notification of matters relating to the Islands.

PART II—ISLAND OFFICERS, ISLAND COUNCIL

3.—[(1) There shall be the following elected officials to be known as Island Officers—

- (a) the Mayor, who shall be:
 - (i) elected for a term of 3 years;
 - (ii) eligible, upon expiry of his or her term of office, to be elected Mayor for a second term of 3 years;
- (b) the Deputy Mayor, who shall be elected for a 2 year

term; and

- (c) [five] Councillors, who shall each be elected for a 2 year term.]

**(Repealed and replaced by Ordinance No. 6 of 2009)
(Amended by Ordinance No. 2 of 2011)**

(2) (Amended by Ordinance No. 1 of 2013)

(Repealed by Ordinance No. 3 of 2013)

(3) If any Island Officer dies, resigns, or by reason of his or her permanent absence from the Islands or any other permanent incapacity is unable to perform his or her duties the office of such Island Officer shall be deemed to become vacant.

(Amended by Ordinance No. 1 of 2013)

[(3A) Subject to subsection (3B), if any Island Officer is by reason of his or her absence from the Islands or by illness or any other incapacity unable to perform his or her duties for any period of seven months or more such Island Officer shall be deemed to be permanently absent from the Islands or permanently incapacitated as the case may be and the office of such Island Officer shall be deemed to become vacant at the expiration of such period of seven months.

(3B) Subsection (3A) does not apply if a person is absent from the island for more than seven months for medical reasons or on business approved by the Council.]

(Inserted by Ordinance No. 1 of 2013)

[(4) A person who has been elected to the office of Mayor in two consecutive Mayoral elections shall not be eligible to stand for election as Mayor at the next following Mayoral election, but shall be eligible to stand at the next or any subsequent Mayoral election after that.]

(Inserted by Ordinance No. 6 of 2009)

[3A.– (1) If any Island Officer is charged with, or is facing charges for, an offence carrying a term of imprisonment of three months or more, he or she shall be suspended from office until:

- (a) all such charges have reached final resolution and no charge has resulted in conviction; or
(b) the Island Officer is convicted of any such charge.

(2) If any Island Officer is subject to a recall application under s 57 of the Parole Ordinance, he or she shall be suspended from office until:

- (a) the recall order is refused under s 63(4) of that Ordinance; or
(b) a final recall order is made under s 63(1) of that Ordinance.

(3) For the purposes of subsection (1), “final resolution” in relation to each charge means–

Suspension from
office

- (a) the withdrawal of the charge;
- (b) an acquittal;
- (c) a stay of prosecution;
- (d) a dismissal for want of prosecution; or
- (e) a conviction.

(4) An Island Officer who is suspended from office under subsection (1) or (2) is deemed to be temporarily unable to perform his or her duties, but shall be entitled to receive full payment as Island Officer for the duration of the suspension.

(5) Following suspension under subsection (1) or (2)–

- (a) if paragraph (1)(a) or (2)(a) applies, the Island Officer shall resume his or her duties as Island Officer;
- (b) if paragraph (1)(b) or (2)(b) applies, the Island Officer's seat shall be deemed vacant unless the Governor gives a direction under subsection (6).

(6) Notwithstanding paragraph (5)(b), the Governor may, after consultation with Council, direct that an Island Officer to whom paragraph (1)(b) applies may resume his or her duties as Island Officer.

(7) For the avoidance of doubt, an appeal filed in relation to any relevant charge does not affect the operation of this section.]

(Inserted by Ordinance No. 3 of 2013)

4.—(1) Between the first and fifteenth days of [November inclusive in every election year] the inhabitants of Pitcairn Island shall elect, in the manner provided therefor in Part III of this ordinance, the Mayor who shall take office on the first day of January in the year following the year of his or her election and remain in office until the 31st day of December in the third year following the year of his or her election.

(Amended by Ordinance No. 1 of 2013)

(2) If any vacancy occurs in the office of Mayor by reason of the death, resignation, permanent absence from the Islands or any permanent incapacity of the Mayor to perform his or her duties the [Deputy Mayor] shall succeed to the office of Mayor and shall be deemed to have been elected to such office for the unexpired balance of the term of office of the person to whom he or she succeeds in such office.

(Amended by Ordinance No. 6 of 2009)

[(3) If the Mayor shall by reason of illness, absence from the Islands or otherwise become temporarily incapable of performing his or her duties, the Deputy Mayor shall act in the office of Mayor until such time as the Mayor resumes his or her duties or the office of the Mayor becomes vacant, and while so acting the Deputy Mayor shall have all of the powers

Election of Mayor and provisions relating to casual vacancies.

and exercise all of the duties of the Mayor as though he or she had been elected to such office under the provisions of this ordinance.]

(Repealed and replaced by Ordinance No. 6 of 2009)

[(4) If the office of any Island Officer becomes vacant and at the time that the vacancy occurs the unexpired period of that Officer's term is 120 days or greater there shall be a by-election for that office and the person or persons elected shall hold office for the remainder of the term that would have been served by the person whose office became vacant.

(Amended by Ordinance No. 1 of 2013)

(5) The by-election shall be conducted in accordance with the provisions of Part III of this Ordinance with the following amendments:

- (a) The Island Secretary shall prepare and publicly notify the list required by s12(1) within 5 days of the vacancy occurring;
- (b) Any objections of the type possible under s12(2) must be made within 3 days of public notification;
- (c) The Council shall at a meeting held not later than 10 days after the vacancy has occurred set and publicly notify an election day on which the by-election shall be held, which shall be a day not earlier than 15 nor later than 20 days after the vacancy occurred.

(6) The office of Deputy Mayor shall be deemed to become vacant when the Deputy Mayor succeeds to the office of Mayor under subsection (2) but not when, in terms of subsection (3), the Deputy Mayor acts in the office of Mayor while the Mayor is temporarily incapable.

(7) If the office of any Island Officer (other than the Mayor) becomes vacant and at the time that the vacancy occurs the unexpired period of that Officer's term is less than 120 days the Council shall at a meeting held not later than 10 days after the vacancy has occurred appoint a person to be a member of the Council for the balance of the term provided that the person so appointed is a person who would be eligible to stand for election to the Council.]

(Inserted by Ordinance No. 6 of 2009)

5.—(1) Between the first and fifteenth days of [November] inclusive in every [election] year the inhabitants of Pitcairn Island shall elect, in the manner provided in Part III of this ordinance, the Island Officers other than the Mayor.

(Amended by Ordinance No. 6 of 2009)

(Amended by Ordinance No. 1 of 2013)

(2) The Island Officers elected under the provisions of this section shall take office on the first day of January in the year

following the year of their election and remain in office [for two years ending on the 31st day of December.]

(Amended by Ordinance No. 1 of 2013)

(3) (Repealed by Ordinance No. 1 of 2013)

(4) If any Island Officer, other than the Mayor, shall by reason of illness, absence from the Islands or otherwise become temporarily incapable of performing his or her duties or is appointed to act in the office of Mayor under the provisions of subsection (3) of section 4 of this ordinance, the Council shall appoint [a person in accordance with subsection (4A)] to act in the office of such Island Officer until such time as such Island Officer resumes his or her duties or such office becomes vacant and while so acting the person so appointed shall have all of the powers and exercise all of the duties of such Island Officer as though elected to such office under the provisions of this ordinance.

(Amended by Ordinance No. 1 of 2013)

[(4A) The person to be appointed under subsection (4) shall be the highest polling unsuccessful candidate at the previous election for Councillors who agrees to their appointment, provided that—

- (a) where two or more persons are eligible to be appointed under this subsection then the candidate to be appointed shall be determined by the toss of a coin; and;
- (b) where for any reason no person is eligible to be appointed under this subsection, the Council shall appoint such suitable person as it sees fit.]

(Inserted by Ordinance No. 1 of 2013)

6.—[(1) There shall be an Island Council which shall consist of:

Island Council.

- (a) the following voting members, namely—
 - (i) the Island Officers, who shall be elected members;
- (b) the following non-voting, *ex officio*, members, namely-
 - (i) the Governor;
 - (ii) the Deputy Governor;
 - (iii) the [Administrator.]

(Amended by Ordinance No. 2 of 2011)

(Amended by Ordinance No. 4 of 2014)

(2) (Repealed by Ordinance No. 2 of 2011)

(3) The Island Officers shall hold various portfolios, which shall be assigned by the Council.]

(Repealed and replaced by Ordinance No. 6 of 2009)

(4) The Council shall meet for ordinary meetings once in

every month and for special meetings at such other times as it may be summoned by the Mayor, who shall fix the time of ordinary and special meetings.

(5) The Mayor shall preside at every meeting of the Council. He or she shall have an original vote and, in the case of an equal number of votes on any question before the Council, a second or casting vote.

(6) No business shall be transacted at any meeting of the Council unless at least five voting members [] are present.

(Amended by Ordinance No. 2 of 2011)

(7) Every question before the Council shall be decided by the majority of the votes of the voting members present.

(8) The Council shall have power to adjourn its sittings from time to time.

(9) No act or proceeding of the Council shall be questioned on account of any vacancy in its membership.

(10) All Council meetings shall be open to the public in so far as the seating accommodation permits:

Provided that members of the public may be excluded from any Council meeting whilst such meeting is adjourned into Committee.

(11) The Island Secretary shall be Clerk to the Council and shall record the minutes of all meetings of the Council.

Powers and duties of Council.

7.—(1) Subject to the orders and directions of the Governor [or Administrator], it shall be the duty of the Council to provide for the enforcement of the provisions of this and all other ordinances for the time being in force in the Islands and of any regulations made thereunder and it may make, amend or revoke regulations for the good administration of the Islands, the maintenance of peace, order and public safety and the social and economic betterment of the islanders.

(Amended by Ordinance No. 4 of 2014)

(2) Without derogating from the generality of the provisions of the last preceding subsection the Council may make, amend or revoke regulations relating to—

- (a) public health and keeping the Islands clean;
- (b) town and country planning;
- (c) the use and control of public property;
- (d) [civic obligations];

(Amended by Ordinance No. 5 of 2010)

- (e) plant and animal quarantine;
- (f) the care and control of animals and wild life;
- (g) the care of children and aged persons;
- (h) the conservation of land, soil and food supplies;
- (i) fishing and fishing rights;

- (j) the prison;
- (k) the registration, use, care and demarcation of land;
- (l) **(Repealed by Ordinance No. 4 of 2014)**
- (m) trading by and between islanders and visits to ships; and
- (n) the appointment, powers and duties of such officers, boards and committees as the Council considers necessary for the efficient discharge of any of its duties or the implementation of any regulations made under the provisions of this or any other ordinance.

(3) All regulations made under the provisions of this ordinance shall be signed by the Mayor and by the Island Secretary and publicly notified by affixing copies thereof to the public notice board and shall come into force on the day of such notification.

(4) Copies of all regulations made under the provisions of this ordinance shall be sent forthwith to the Governor [and Administrator, either of whom] may by order, to be publicly notified by affixing a copy of the same to the public notice board, alter, vary or revoke any such regulations.

(Amended by Ordinance No. 4 of 2014)

(5) Any regulations made under the provisions of this ordinance may provide for the charging of fees in respect of anything to be done thereunder and the imposition of penalties for offences against any of such regulations which penalties shall not exceed a fine of one hundred dollars or imprisonment for any term not exceeding forty days for each such offence.

8.—(1) The Council shall be a body corporate and by the name of the Island Council shall have perpetual succession and a common seal.

Incorporation of the Council.

(2) The Council shall have power to hold land in accordance with the provisions of the Lands Court Ordinance, to enter into contracts which are necessary or incidental to the exercise of its powers under this or any other ordinance or which are for the benefit of the inhabitants of the islands and to sue and be sued, in contract or in tort or otherwise, in relation to any of the powers or duties conferred or imposed upon it by or under the provisions of this or any other ordinance:

cap. 15

Provided that the Governor may if he thinks fit vary or rescind any act or decision of the Council resulting in any financial expenditure or obligation.

(3) Service of any document on the Island Secretary shall be deemed to be service on the Council.

9. (Repealed by Ordinance No. 6 of 2009)

10.—(1) The Mayor, in addition to his or her duties as President of the Council, shall be the chief executive officer

Chief Executive Officer, Island Secretary, and Government Treasurer.

of the Islands, and shall discharge such duties as may from time to time be assigned to him or her by the Governor [or Administrator].

(Amended by Ordinance No. 4 of 2014)

(2) The Island Secretary shall, in addition to any other duties required to be performed by him under the provisions of this or any other ordinance

- (a) prepare monthly copies of the minutes of all meetings of the Council for transmission through the Mayor [and the Administrator] to the Governor.
- (b) undertake all official correspondence of the Council [and the Mayor] and ensure that copies of all such correspondence are kept and properly filed in the archives of the Islands; and
- (c) perform such other duties as the Governor[, the Administrator,] or the Mayor may from time to time direct.

(Amended by Ordinance No. 4 of 2014)

(3) The Government Treasurer shall keep the accounts of the Islands and perform such other duties as the Governor[, the Administrator,] or the Mayor may from time to time direct.

(Amended by Ordinance No. 4 of 2014)

(4) For the purposes of subsections (2) and (3) of this section directions given by the Mayor [or the Administrator] to the Island Secretary or to the Government Treasurer for the performance of any duties shall, to be valid, be not inconsistent with the provisions of this ordinance or the provisions or requirements of any other law.

(Amended by Ordinance No. 4 of 2014)

PART III—ELECTION OF ISLAND OFFICERS

Interpretation

[10A. For the purposes of this Part

- (a) the calculation of any qualifying period of continuous residence on Pitcairn Island shall exclude any absences from the Island for any cause of up to [seven months in a twelve month period];

(Amended by Ordinance No. 1 of 2013)

- (b) a person who was born away from Pitcairn Island to parents who were at the time normally resident on the Island and who returned with those parents or either of them during infancy and thereafter lived on the Island indefinitely shall be deemed to have been born there.

- (c) **(Repealed by Ordinance No. 4 of 2014)**

**(Inserted by Ordinance No. 1 of 2004)
(Amended by Ordinance No. 7 of 2004)**

11. The following persons being of or over the age of eighteen years shall be qualified to vote— Qualification of voters.

- (a) [every person who has the right of abode on Pitcairn, who at the time of the elections is normally resident on the Island and has been so resident for a continuous period of not less than one year, and who intends to remain on the Island indefinitely];

(Repealed and replaced by Ordinance No. 1 of 2013)

- (b) every person who at the time of the elections is normally resident on the Island and has been so resident for a continuous period of not less than three years and intends to remain there indefinitely;
- (c) the spouse of any person qualified to vote under paragraphs (a) or (b) who lives with that person on the Island as his or her spouse and has done so for a continuous period of not less than one year regardless of the nationality of such spouse;
- (d) the de facto marital partner of any person qualified to vote under paragraph (a) or (b) who lives with that person on the Island as his or her partner and has done so for a continuous period of not less than two years regardless of the nationality of such partner.]

(Repealed and replaced by Ordinance No. 1 of 2004)

[11A. The following years shall be election years: Election year defined

- (a) 2009 and every second year thereafter (for election of Deputy Mayor and Councillors);
- (b) 2010 and every third year thereafter (for election of Mayor).]

(Inserted by Ordinance No. 6 of 2009)

12.—[(1) The Island Secretary shall in the month of [September] in each year determine whether the year is an election year, and, if so, whether the election is for the office of Mayor or for Councillors, or both, and if it is an election year shall prepare a list of all persons qualified to vote which list shall be signed by the Mayor and publicly notified by affixing a copy of the same to the public notice board between the 1st and 7th days of [October].] Preparation of Register of Voters.

**(Repealed and replaced by Ordinance No. 6 of 2009)
(Amended by Ordinance No. 1 of 2013)**

(2) Any person who desires to make any objection to anything contained in or omitted from any list publicly notified under the provisions of subsection (1) of this section may, not later than the tenth day of [October] in each year, give written notice of such objection to the Mayor who shall forthwith determine such objection. The decision of the Mayor upon such objection shall be final; and, if necessary, the list shall be amended in accordance therewith and the list as so amended shall be publicly notified by affixing a copy of the same on the public notice board not later than the fifteenth day of [October] in the year in which the objection is made.

(Amended by Ordinance No. 1 of 2013)

(3) The list as prepared and publicly notified in accordance with the provisions of subsection (1) of this section and subject to any amendments publicly notified under the provisions of subsection (2) shall be called the Register of Voters and no person whose name does not appear in such Register shall be entitled to vote at any election held in that year.

Election day.

13.—(1) At a meeting to be held not later than the fifteenth day of [October] in each [election] year the Council shall appoint a day between the first and fifteenth days of [November] inclusive of that year, to be known as election day, for the election of Island Officers, and at the same meeting shall appoint a time and place when and where the election of Island Officers is to take place on the election day so appointed. The day, time and place so appointed shall be publicly notified by affixing a notice thereof on the public notice board not less than [17] days before the election day so appointed.

(Amended by Ordinance No. 1 of 2013)

[(2) The Island Council when appointing and notifying the election day shall specify in its public notice whether the election is for the officers of Councillors or Mayor or both.]

(Amended by Ordinance No. 6 of 2009)

Qualification for election of Island Officers

[14. Only persons who are qualified to vote under section 11 and not disqualified under section 14A shall be eligible for election to the office of Councillor, Deputy Mayor, or Mayor.]

(Repealed and replaced by Ordinance No. 1 of 2004)

(Amended by Ordinance No. 7 of 2004)

(Amended by Ordinance No. 6 of 2009)

(Repealed and replaced by Ordinance No. 1 of 2013)

Disqualifications for election and holding office as an Island Officer

14A.—(1) A person shall be disqualified from being elected to, or from holding, the office of Mayor, [Deputy Mayor] or Island Councillor if:

- (a) that person is, at the time of nomination or on the election day, detained in a prison pursuant to a sentence of imprisonment of 3 months or more imposed by a Pitcairn Islands court; or
- (b) that person has, within 5 years before the election day or since his or her election, been convicted of any offence by a Pitcairn Islands court and has had passed on him or her a sentence of imprisonment for a period of 3 months or more; or
- (c) that person has, within 5 years before the election day or since his or her election, commenced to serve a sentence of imprisonment for a period of 3 months or more in respect of an offence for which he or she was earlier convicted by a Pitcairn Islands court.

(Amended by Ordinance No. 2 of 2011)

[(2) In this section—

- (a) a reference to a sentence of imprisonment includes a sentence of home detention; and
- (b) a reference to being detained in a prison includes detention in a home detention residence pursuant to a sentence of home detention.]

(Inserted by Ordinance No. 1 of 2016)

[15.—(1) Any person who is eligible for election in accordance with sections 14 and 14A of this Ordinance and who wishes to be a candidate for election to any elected office shall register their name and the office to which they wish to be elected with the Island Secretary not less than 14 days before the election day.

(2) Registration in accordance with subsection (1) may be done in person or in writing, which may include a facsimile message with a signature or any message with signature in electronic form.

(3) All candidates registered in accordance with subsection (1) are deemed to be nominated for the office named in the registration.

(4) The Island Secretary shall prepare a list of:—

- (a) the names of all candidates nominated for election; and
 - (b) the office for which each candidate is nominated;
- and shall publicly notify that list on the public notice board not less than ten days before the election day.]

(Repealed and replaced by Ordinance No. 1 of 2013)

16.—(1) Where only one candidate is nominated for election to the office of Mayor, such candidate shall be deemed to have

Elections.

been elected. Where more than one candidate is nominated for election to such office a poll shall be taken.

(2) Where only one candidate is nominated for election to the office of [Deputy Mayor], such candidate shall be deemed to have been elected. Where more than one candidate is nominated for election to such office a poll shall be taken.

(Amended by Ordinance No. 6 of 2009)

(3) Where only [five] candidates are nominated for election to the office of Councillor, such candidates shall be deemed to have been elected. Where more than [five] candidates are nominated for election to such office a poll shall be taken.

(Amended by Ordinance No. 2 of 2011)

(4) The poll shall be taken on the election day at the time and place appointed under the provisions of section 13 of this ordinance.

(5) If a poll is to be taken for the election of any Island Officers in any year the Council shall, [as soon as possible after publication by the Island Secretary of the list of candidates nominated for election as required by section 15(4)], appoint [two suitable people, who do not appear on the electoral roll, to be known as Recorders] to receive and record all votes tendered at such poll.

(Amended by Ordinance No. 1 of 2013)

(6) Subject to the provisions of subsection (8) of this section, if a poll is to be taken for the election of any Island Officers in any year all persons whose names appear in the Register of Voters shall attend on the election day at the time and place appointed under the provisions of section 13 of this Ordinance and then and there tender their votes for all offices in respect of which a poll is taken by indicating in writing on the voting cards, prepared and then and there handed to them by [a] Recorder, the names of all candidates for whom they wish to vote.

(Amended by Ordinance No. 1 of 2013)

(7) Subject to the provisions of subsection (8) of this section, no person shall be permitted to tender a vote for or on behalf of any other person.

(8) (i) Any person whose name appears on the Register of Voters and who satisfies [a] Recorder that on account of ill health or infirmity or on account of his or her being detained in a prison in the Islands he or she is precluded from attending at the time and place when and where the poll is to be taken may apply in writing under his or her signature for a voting card to be handed to such other person as he may in such application nominate for delivery to him.

(ii) On receipt of such application and being satisfied as aforesaid [a] Recorder shall on the day on which the poll is to be taken hand a voting card to the person nominated in the application.

(iii) On receipt of such voting card the person nominated by the applicant shall forthwith deliver the same to the applicant who shall there and then in the presence of the person nominated by him as aforesaid indicate in writing on the voting card the names of the candidates for whom he wishes to vote, fold the voting card so as to conceal his vote, seal the voting card in an envelope to be supplied by [a] Recorder, sign his or her name across the back of the envelope and hand the envelope to the person nominated by him or her as aforesaid for return to [a] Recorder.

(iv) On receipt of such sealed envelope from the applicant the person nominated by him or her shall forthwith return to the place where the poll is being taken and there in the presence of [a] Recorder shall open the sealed envelope, removing the voting card from the envelope, hand the empty envelope to [a] Recorder, and without unfolding the voting card, tender the voting card in the same way as he or she would his or her own voting card.

(v) In this section a reference to being detained in a prison includes detention in a [home detention] residence pursuant to a [sentence of home detention given in accordance with section 76A of the Sentencing Ordinance 2002].

(Amended by Ordinance No. 1 of 2016)

(Amended by Ordinance No. 1 of 2013)

(9) Immediately after the completion of the voting the votes shall be counted by the [Recorders].

(Amended by Ordinance No. 1 of 2013)

(10) The [Recorders] shall as soon as practicable after all votes have been counted publicly notify the names of the persons elected or deemed to have been elected by announcing the same at the Courthouse and by affixing notice thereof on the public notice board.

(Amended by Ordinance No. 1 of 2013)

[17. Notwithstanding the provisions of section 16, any person temporarily away from the Island at the time of the election, who would if present be eligible to vote, may exercise his or her right as an absentee voter in accordance with the following conditions—

Absentee voting

- (a) it shall be the responsibility of any such person to obtain from the Island Secretary, the office of the Pitcairn Island Administration or the office of the Governor, the nomination list and voting paper issued seven days prior to the elections;
- (b) any such person wishing to vote must attend at the office of the Pitcairn Island Administration or the Governor not less than two clear days prior to the election on the Island and complete the voting paper in the sight and presence of a public officer designated by the Governor for the purpose;
- (c) every such public officer shall forthwith transmit full particulars of the vote to the [Administrator] who will hold the same in a sealed envelope until the election when, provided that the person is eligible to vote and the vote is not invalid, it will be included in the counting process by being tendered to [a] Recorder by the [Administrator] in the same manner as provided by paragraph (iv) of section 16(8) of this ordinance.]

(Inserted by Ordinance No. 1 of 2004)**(Amended by Ordinance No. 1 of 2013)****(Amended by Ordinance No. 4 of 2014)**

[18. A person who intends to be temporarily absent from the Island at the time of the election and who would if present be entitled to vote may, in accordance with the following conditions, apply for appointment of a named person as his or her proxy to cast a vote on election day on his or her behalf:

Appointment of proxy to vote

- (a) The application for appointment of a proxy must be made in the form set out as appendix 1 to this

Ordinance.

- (b) The person sought to be appointed as proxy must be on the Register of Voters.
- (c) The application form must be signed and delivered to the Island Secretary not earlier than 15 [October] in the year of the election nor later than 7 days before the election day.
- (d) The form may be delivered by hand or by the electronic transmission of a scanned copy of the original form sent to the email address `isec@pitcairn.gov.pn` (or such other email address as may be prescribed by regulations made under this Ordinance) and if delivered by electronic transmission must contain a return email address to which notification of approval of appointment may be sent.
- (e) The Island Secretary must approve an application on the prescribed form if he or she is satisfied that the applicant is a person who if present would be entitled to vote and that the named proxy is on the Register of Voters.
- (f) The Island Secretary shall advise the applicant if the application is approved, either in person (when or shortly after the application is delivered by hand) or by email (when the application is delivered in that manner).
- (g) Not less than 2 days before election day the Island Secretary shall notify the [Recorders] in writing of the names of all persons in respect of whom a proxy vote has been approved (save in respect of appointments that were subsequently revoked in accordance with subparagraph (j) and (k)) and in each case shall name the person who is appointed proxy.
- (h) On election day [a] Recorder shall distribute a voting card to each appointed and approved proxy and shall receive and record the vote of the proxy as if it were the vote of the person who appointed the proxy.
- (i) A person's appointment as a proxy under this section shall end when his or her proxy vote has been made, received and recorded in accordance with subparagraph (h). However, if for any reason that election were disputed in accordance with this Ordinance and a new election ordered, then the appointed proxy may vote in that new election without need for a further appointment unless his or her appointment as a proxy has been terminated

- in accordance with subparagraph (j).
- (j) The appointment of a proxy in accordance with this Ordinance may be revoked only in the following manner:
- (i) when a Recorder has been appointed under s 16(5), by notice to the Recorder provided that such notice is given not later than 2 days before election day;
 - (ii) when a Recorder has not been appointed, by notice to the Island Secretary;
 - (iii) such notice must be signed and state that the person wishes to revoke the appointment of his or her proxy, and the notice shall either be delivered by hand (to Recorder or Island Secretary as applicable) or by way of a scanned copy sent by email to the address specified in subparagraph (d) above, or any replacement address that may be notified by regulations made under this Ordinance.
- (k) Any revocation of the appointment of a proxy shall be effective only upon its receipt by the Island Secretary or Recorder in accordance with subparagraph (j).]

(Inserted by Ordinance No. 2 of 2008)

(Amended by Ordinance No. 1 of 2013)

[PART IV – ELECTION OFFENCES

19.—(1) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$2,000, who—

Interfering with or influencing voters

- (a) interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to whether or how he or she should vote;
- (b) during the period commencing 1 [September] and ending at midnight on election day, gives information that he or she knows to be false to any person with the intention of influencing or advising that person as to how he or she should vote.

(Amended by Ordinance No. 1 of 2013)

20.—(1) Every person commits an offence who—

Offences in respect of official documents

- (a) intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at or in connection with an election;
- (b) forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other

official document used at an election, or the official mark on that document:

- (c) supplies, without authority, a voting document to any person:
- (d) obtains or has possession of any voting document, other than one issued to that person under this ordinance or any regulations made under this ordinance for the purpose of recording his or her vote, without authority:
- (e) intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.

(2) Every person who commits an offence against subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine of \$2,000 or both.

Voting offences

21. Every person commits an offence, and is liable on summary conviction to imprisonment for a term not exceeding 6 months, who—

- (a) votes or applies to vote more than once at the same election; or
- (b) without authority, removes, deletes, or otherwise interferes with any voting document, or other record of a vote that has been cast.

Bribery

22.—(1) Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person,—

- (a) gives, lends, agrees to give or lend, offers, promises, or promises to obtain 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
- (b) gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of 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 the elector to vote or refrain from voting; or
- (c) corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting; or
- (d) makes any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or

- the vote of any elector; or
- (e) upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b), obtains, or tries to obtain, the election of any person or the vote of any elector; or
 - (f) advances or pays, or causes to be paid, any money to or for the use of any other person, intending that that money or any part of it will be used for bribery at any election; or
 - (g) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly used for bribery at any election.
- (2) An elector commits the offence of bribery if,—
- (a) before or during the voting period at the election, he or she, directly or indirectly, on his or her own or by another person, receives, or agrees or contracts for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to refrain from voting;
 - (b) after the voting period at the election, he or she directly or indirectly, on his or her own or by another person, 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 refrain from voting.
- (3) Every person who commits bribery is liable on summary conviction to imprisonment for a term not exceeding 6 months.

23.—(1) Every person commits the offence of undue influence— Undue influence

- (a) who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint against any person—
 - (i) in order to induce or compel that person to vote or refrain from voting;
 - (ii) on account of that person having voted or refrained from voting;
 - (b) who, by abduction, duress, or any fraudulent device or means,—
 - (i) impedes or prevents the free exercise of the vote of any elector;
 - (ii) compels, induces, or prevails upon any elector either to vote or to refrain from voting.
- (2) Every person who commits the offence of undue

influence is liable on summary conviction to imprisonment for a term not exceeding 6 months.

Infringement of
secrecy

24.—(1) The [Recorders] and every other electoral official—

- (a) must maintain and assist in maintaining the secrecy of the voting; and
- (b) must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.

(Amended by Ordinance No. 1 of 2013)

(2) No person, except as provided by this ordinance or regulations made under this ordinance, may—

- (a) interfere with or attempt to interfere with a voter when marking or recording his or her vote; or
- (b) attempt to obtain, in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, any information as to any candidate for whom the voter is about to vote or has voted; or
- (c) communicate at any time to any person any information obtained in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, as to—
 - (i) any candidate for whom, or the proposal for or against which, the voter is about to vote or has voted; or
 - (ii) any number on a voting document marked or transmitted by the voter.

(3) Every person present at the counting of votes must—

- (a) maintain and assist in maintaining the secrecy of the voting; and
- (b) must not, except as is provided by this ordinance or regulations made under this ordinance, communicate any information obtained at that counting as to any candidate for whom, or proposal for or against which, any vote is cast by a particular voter.

(4) Every person commits an offence who contravenes or fails to comply with this section.

(5) Every person who commits an offence against subsection (4) is liable on summary conviction to imprisonment for a term not exceeding 6 months.

Criminal proceedings

25. No person other than the Pitcairn Public Prosecutor may take criminal proceedings for an offence under this ordinance.]
(Inserted by Ordinance No. 3 of 2008)

[PART V—DISPUTED ELECTIONS

26.—(1) [Subject to subsection (1A)] if any candidate has reason to believe that the public declaration by [a Recorder] of one or more of the elected candidates is incorrect, and that on a recount of votes the first-mentioned candidate might be elected, he or she may, within 72 hours after the public declaration and the affixing of the notice of elected candidates referred to in section 16(10), apply to the Island Magistrate for a recount of the votes.

Application for
recount

(Amended by Ordinance No. 1 of 2013)

[(1A) If the Island Magistrate is a candidate in the election, a candidate may instead apply to the [Administrator] for a recount of the votes, and the rest of this section and section 28 apply as though references to the Island Magistrate were references to the [Administrator].]

(Inserted by Ordinance No. 1 of 2013)

(Amended by Ordinance No. 4 of 2014)

(2) An application under subsection (1) must be in writing and specify the grounds upon which it is believed that the counting of votes might be incorrect and shall be deemed to have been made when the application is delivered by hand to the Island Secretary.

(3) Upon receiving an application under subsection (2) the Island Secretary shall immediately transmit it to the Island Magistrate.

(4) If the Island Magistrate is satisfied that the applicant has reasonable grounds to believe that the declaration is incorrect and that on a recount the applicant might be elected, the Island Magistrate must, as soon as practicable after receiving the application—

- (a) cause a recount of the votes to be made; and
- (b) give notice in writing to the [Recorders], Island Secretary and to each of the candidates of the time and place at which the recount will be made.

(Amended by Ordinance No. 1 of 2013)

27. Each candidate may, by notice in writing, appoint 1 scrutineer for the recount.

Scrutineers

28.—(1) At the recount, the [Recorders] must produce to the Island Magistrate all the voting documents used at the election.

Conduct of recount

(2) The recount must be made in the presence of the Island Magistrate, or of a person appointed by him or her for the purpose, and—

- (a) must, as far as is practicable, be made in the manner provided in the case of the original count unless the Island Magistrate orders otherwise; and
- (b) section 24 (relating to security and secrecy) applies,

with any necessary modifications, to the recount.

(3) If, on the recount, the Island Magistrate is satisfied that the public declaration was incorrect, the Magistrate must order the [Recorders] to give an amended announcement and notice under section 16 of the result of the election.

(4) If, on the recount, the Island Magistrate is satisfied that the public declaration was correct, the Island Magistrate must order the [Recorders] to make an announcement to that effect and affix a notice to that effect on the public notice board.

(5) Where the Island Magistrate has made an order under either subsection 3 or subsection 4 no further application for a recount may be made by any person.

(Amended by Ordinance No. 1 of 2013)

Application for leave
to bring petition for
inquiry

29.—(1) Any candidate or any 4 electors with a complaint about the conduct of an election may apply for leave to file a petition in the Magistrate's Court.

(2) An application for leave under subsection (1) must—

- (a) be filed within 7 days after public notice is given declaring the result or, as the case may be, the amended result of the election (or, in the case of a recount which results in the affirmation of the result of the election, then within 7 days of that affirmation); and
- (b) specify the specific grounds on which the complaint is based.
- (c) be accompanied by a filing fee of \$200.

(3) An application for leave under subsection (1) shall be filed, and the filing fee paid, by hand delivery to the Island Magistrate, provided that if the Island Magistrate is not present on Pitcairn Island then such application may be filed and fee paid by hand delivery to the Island Secretary.

(4) An application for leave shall:

- (a) be determined by a Magistrate other than the Island Magistrate;
- (b) be granted only if the Magistrate is satisfied that there are reasonable grounds for the complaint.

(5) The Magistrate may consider and determine the application for leave in any manner he or she thinks fit, and may give a direction that the application—

- (a) shall be heard and determined on the papers filed in support of the application for leave; or
- (b) shall be heard orally, and in that event the Magistrate may at his or her election call for oral submissions to be presented by way of a live television link at a specified time and place so as to facilitate a hearing at which the Magistrate is outside the Islands.

30.— (1) If the Magistrate grants leave to file a petition the hearing of the petition may then proceed in such manner, and at such time and place, as the Magistrate specifies.

Hearing of election
petition

(2) No grounds other than those stated in the application for leave to file a petition may be investigated, except with the leave of the Magistrate hearing the petition.

(3) Leave may be given under subsection (2) on such terms and conditions (if any) that the Magistrate considers just.

31.— (1) Notice of an intention to oppose a petition may be filed in the Magistrate's Court by—

Who may be
respondent

- (a) any candidate or any 2 electors, if the petition concerns an election; or
- (b) an electoral officer or other electoral official, if the petition complains of the conduct of the electoral officer or other electoral official.

(2) The person or persons who file a notice under subsection (1) are the respondent or respondents to the petition.

(3) Notices under this section must be given in the same manner as is set out in section 29(2)(b).

32. The inquiry must be commenced within 28 days after the filing of the petition, and not less than 2 days' public notice must be given of the time and place at which the inquiry will be held.

Time for inquiry

33.— (1) For the purposes of the inquiry, the Magistrate conducting it—

Powers of Magistrate

- (a) has and may exercise all the powers of citing parties, compelling evidence, and maintaining order that the Magistrate would have in the Magistrate's ordinary civil jurisdiction; and
- (b) may, in addition, at any time during the inquiry direct a recount or scrutiny of the votes given at the election; and
- (c) must sit on his or her own without assessors; and
- (d) may preside over the hearing of evidence and legal submissions by means of a live television link whereby the Magistrate is outside the Islands and the persons presenting evidence or submissions are within the Islands; and
- (e) may appoint a delegate within the Islands to inquire into some or all of the facts and otherwise to provide assistance to the Magistrate, and in that event shall record in his or her decision the result of that inquiry or that assistance.

(2) If a recount or scrutiny is conducted under subsection (1) (b), the Magistrate must disallow the vote of every person who—

- (a) has voted, despite not being entitled to vote at the election; or
- (b) has voted more than once at the election.

Result of Inquiry

34. The Magistrate must determine whether,—

- (a) as a result of an irregularity that in the Magistrate's opinion materially affected the result of the election, the election is void; or
- (b) the candidate whose election is complained of, or any and which other candidate, was elected.

Election not void by reason of certain irregularities

35.—(1) If subsection (2) applies, an election must not be declared void on the ground of—

- (a) any irregularity in any of the proceedings preliminary to the voting; or
- (b) any failure to hold the election at any place appointed for holding the election; or
- (c) a failure to comply with the directions contained in this ordinance or any regulations made under this ordinance as to the conduct of the election or the counting of the votes; or
- (d) by any mistake in the use of prescribed forms.

(2) This subsection applies if the Magistrate conducting an inquiry into the conduct of an election considers that the irregularity, failure, or mistake referred to in subsection (1) did not affect the result of the election.

Costs of inquiry

36.—(1) The Magistrate may order that all or part of the expenses of, or incidental to, the inquiry are to be met by—

- (a) any party or parties to the inquiry; or
- (b) any electoral officer or other electoral official if the Magistrate declares the election void on the ground of intentional or reckless misconduct by that electoral officer or other electoral official.

(2) In particular—

- (a) any costs which in the opinion of the Magistrate have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent; and
- (b) any needless expense incurred or caused on the part of the petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused, whether or not they are on the whole successful.

(3) The order may be enforced as a judgment for a debt.

(4) Despite subsection (1), no order may be made against any person who is not a party to the inquiry unless the person has been summoned to appear and give evidence at the inquiry.

37.—(1) If an election is declared void, a new election must be held under the same provisions, as far as practicable, as those applicable to the void election.

New election if
declared void

(2) The new election must be held within 28 days of the election being declared void and the Island Council shall appoint the day for the election in accordance with section 13 with such adjustments as are necessary.

(3) The only persons eligible to vote at the new election are the persons who were eligible to vote at the void election.

(4) The Register of Voters to be used for the new election is the one that was used at the void election, without any amendments or additions.

(5) Despite subsections (3) and (4), if an election is declared void as a result of an irregularity in the electoral roll, the Magistrate may order that, for the purposes of the new election,—

- (a) specified amendments or additions or deletions be made to that Register; or
- (b) specified kinds of amendments or additions or deletions be made to that Register; or
- (c) an updated version of that roll be prepared incorporating 1 or more of the changes authorised under paragraphs (a) or (b).

(6) The only persons eligible to be nominated as candidates at the new election are the persons who were qualified to be nominated as candidates at the void election.

(7) The [Recorders] at the new election shall be the [persons who were Recorders] at the void election unless the Magistrate orders otherwise in which case [a new Recorder or Recorders] shall be appointed by the Island Council at the same time as it sets the new election date under subsection (2).

(Amended by Ordinance No. 1 of 2013)

38.—(1) Every determination or order under this Part is final and may not be removed into the Supreme Court or Court of Appeal by any procedure.

Order to be final

(2) No proceedings may be brought in the Supreme Court questioning the validity of any election under this ordinance.

39.—(1) An election shall not be questioned except by a petition under this Ordinance.]

Elections not to be
questioned other than
by petition

(Inserted by Ordinance No. 3 of 2008)

APPENDIX 1**Application Form to Vote by Proxy in Pitcairn Islands Election**

Please complete in **BLACK INK** and **BLOCK CAPITALS** and return to the Island Secretary by hand, or by sending a scanned signed copy to isec@pitcairn.govt.pn

About you	Who do you want to vote on your behalf?																
First name(s) (in full)	Name (in full)																
Surname	Address																
	Relationship to you (if any)																
Your Date of Birth	Proxy vote for which elections?																
<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> <td style="width: 20px; height: 20px;"> </td> </tr> <tr> <td colspan="2">Day</td> <td colspan="2">Month</td> <td colspan="4">Year</td> </tr> </table>									Day		Month		Year				The elections for Island Council and/or Mayor in December ____
Day		Month		Year													
Your Declaration	Reason for this application																
As far as I know, the details on this form are true and accurate. I have asked the person named above who is willing and able to vote for me as my proxy.	I intend to be temporarily absent from Pitcairn Islands at the time of the election																
<p>Signature: Keep within the border below and use BLACK INK</p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div> <p>Date:</p>	Proxy's Declaration (optional)																
	<p>I am capable and willing to be appointed to vote as the applicant's proxy.</p> <p>Signature:</p> <p>Date:</p>																

CHAPTER XI

LOCAL GOVERNMENT

Section 7

LOCAL GOVERNMENT REGULATIONS

Made by the Island Council

Regulations 1966,
1968, 1976, 1981,
1983, (No.2) 1983,
1986, (No.2) 1986,
1994, 2004, 2010,
2011, 2014.

Arrangement of parts

Part

I—Preliminary

- A. Short title.
- B. Interpretation.
- C. Penalties.

II—Public Health and Town and Country Planning

- A. Buildings.
- B. Rubbish.
- C. Water Supplies, Cisterns, Wells and Sanitary Conveniences.
- D. Burials.
- E. Quarantine and Powers of Medical Officer.

III—Plant and Animal Quarantine

IV—Animals and Wildlife

- A. Control of Domestic Animals.
- B. Care of Animals.
- C. Wildlife.

V—Public Work

VI—Government Vessels, Machinery and Equipment.

- A. Inter-Island Voyages.
- B. General Use and Manning of Public Boats.
- C. Maintenance of Public Boats.
- D. Visits to Ships by Children.

VII—Public Telephone

VIII—Public Electricity

IX—Prison

X—The Control of Firearms and Explosives

XI—Control of Traffic

LOCAL GOVERNMENT REGULATIONS

PART I—PRELIMINARY

A—SHORT TITLE

These Regulations may be cited as the Local Government Regulations.

B—INTERPRETATION

In these Regulations unless the context otherwise requires—

“ammunition” means ammunition for any firearm as hereinafter defined and includes bullets, cartridges and shells;

“animals” includes birds, reptiles, fish, insects and the eggs of birds, reptiles, fish and insects;

“boat” means any long-boat, launch, canoe or other vessel normally owned on or kept at Pitcairn Island;

“building” means any roofed structure and includes any such structure at any stage of its erection whether the roof or any part thereof has been erected or not;

“child” means and includes any person under the age of [18] years;

(Amended by Regulations 16.04.2014)

“court” means the Magistrate’s Court;

“domestic animal” includes any cattle, sheep, goats, horses, pigs, dogs, cats or domestic poultry;

“dwellinghouse” means any building designed, intended or used for human habitation;

“Education Officer” means the person for the time being holding the office of Education Officer on Pitcairn Island;

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged;

[“forestry land” means land which is held under a Land Allocation Title as forestry land under s 3 of the Land Tenure Reform Ordinance;

“garden land” means land which is held under a Land Allocation Title as garden land under s 3 of the Land Tenure Reform Ordinance;

“house land” means land which is held under a Land Allocation Title as house land under s 3 of the Land Tenure Reform Ordinance;]

(Inserted by Regulations 23.02.2011)

[“inhabitant”, for the purposes of Part V of this

Regulation, means any person who resides on the Island for more than 6 months;]

(Inserted by Regulations 18.04.10)

“Medical Officer” means the person for the time being holding the office of Medical Officer on Pitcairn Island;

[“orchard land” means land which is held under a Land Allocation Title as orchard land under s 3 of the Land Tenure Reform Ordinance;]

(Inserted by Regulations 23.02.2011)

“plants” includes trees, shrubs, plants or portions thereof such as logs, sawn timber, cuttings, buds, roots, tubers, bulbs, corms, seeds, fruit and vegetables;

“police officer” means any person from time to time appointed by the Governor to hold the public office of police officer and includes any person duly appointed as an assistant to such police officer;

“Quarantine Officer” means the person for the time being holding the office of Quarantine Officer on Pitcairn Island;

“Radio Officer” means the person for the time being holding the office of Radio Officer on Pitcairn Island;

“Sabbath Day” means the period between sunset on any Friday and sunset on the next succeeding Saturday.

(Amended by Regulations 16.04.2014)

C—PENALTIES

Any person who contravenes any of the following regulations or fails to comply with any order lawfully made thereunder shall be guilty of an offence and liable on conviction, for the first offence to pay or suffer a penalty, not exceeding that specified therein, and for every second or subsequent offence to pay or suffer a penalty not exceeding double that so specified:

Provided that no such penalty shall exceed a fine of \$100 or imprisonment for a period of 40 days.

PART II—PUBLIC HEALTH AND TOWN AND COUNTRY PLANNING

A—BUILDINGS

1. No person shall erect any building or add to or alter any existing building without the permission of the Council which shall satisfy itself that the site and plans are suitable

to the purpose for which the building is intended to be used. Penalty: \$20.

2. In addition to any penalty imposed for any contravention of the last preceding regulation the Court may, on the application of the Council, make such order as it sees fit for the removal or alteration, within such time as the Court may direct, of any building erected, altered or added to in contravention of that regulation. Penalty: \$50.

3. The owner or occupier of every building (other than an unoccupied temporary building situated more than 10 yards from any dwellinghouse, public road, building or cemetery) shall keep such building in good repair. Penalty: \$20.

4. In addition to any penalty imposed for any contravention of the last preceding regulation the Court may, on the application of the Council, order the owner or occupier of any building in a state of disrepair to repair, within such time as the Court may direct, such building to the satisfaction of the Council:

Provided that if such building—

- (a) should, in the opinion of the Medical Officer, be demolished as being a danger to public health; or
- (b) has been unoccupied for a period of 12 months or longer and the owner cannot be located within one month after the making of such order to repair,

the Court may order that such building be demolished and that all material obtained therefrom be disposed of in such manner as the Court may direct. Penalty: \$50.

B—RUBBISH

1. No person shall throw or deposit any rubbish in any public place or on any public road. Penalty: \$10.

2. All rubbish shall be buried, burnt or otherwise disposed of in a sanitary manner. Penalty: \$10.

3. At the request of the Medical Officer the Council may order the owner, occupier or user of any land to clear such land within such time as the Council may direct of all bush or rubbish likely, in the opinion of the Medical Officer, to encourage the breeding of mosquitoes, flies or rats. Penalty: \$20.

4. No person, being the occupier of any dwellinghouse shall permit mosquito larvae to remain within the precincts of such dwellinghouse. Penalty: \$10.

5. The Council may, at the request of the Medical Officer, order the occupier of any dwellinghouse to take such steps as the Council may direct to prevent the breeding of mosquitoes within the precincts of such dwellinghouse. Penalty: \$20.

C—WATER SUPPLIES, CISTERNS, WELLS AND SANITARY

CONVENIENCES

1. No person shall construct or dig any cistern or well without first obtaining the permission of the Council. Penalty: \$10.

2. In addition to any penalty which may be imposed for contravention of the last preceding regulation the Court may, on the application of the Council, order the destruction or filling in, within such time as the Court may direct, of any cistern or well constructed or dug in contravention of that regulation. Penalty: \$50.

3. At the request of the Medical Officer, the Council may order the owner or user of any cistern or well to destroy or fill in such cistern or well if, in the opinion of the Medical Officer, such cistern or well constitutes a danger to public health. Penalty: \$20.

4. No person shall misuse or waste any water in any public cistern or well. Penalty: \$10.

5. No person shall pollute any public cistern, well or bathing place. Penalty: \$10.

6. The owner or user of every cistern or well shall keep such cistern or well walled or fenced, covered and clean. Penalty: \$10.

7. The Council may order the owner or user of any cistern or well to take such steps within such time as the Council may direct to ensure that the provisions of the last preceding regulation are complied with. Penalty: \$20.

8. No person shall defaecate or urinate within 10 yards of any building, cistern, well or public road, other than in a latrine or urinal approved by the Council. Penalty: \$10.

9. The owner or occupier of every dwellinghouse shall ensure that such dwellinghouse is provided with a latrine approved by the Medical Officer. Penalty: \$10.

D—BURIALS

1. No person shall, without the permission in writing of the Council, bury any dead person in any place other than in a public cemetery approved by the Council. Penalty: \$50.

2. No permission granted under the provisions of the last preceding regulation shall authorize any burial to take place within 50 yards of any inhabited dwellinghouse.

E—QUARANTINE AND POWERS OF MEDICAL OFFICER

1. The Medical Officer, may in the reasonable exercise of his duties, at all such times as he may think fit, enter any building or property whatsoever for the purpose of ensuring that the provisions of these Regulations, or of any other

Ordinance or Regulations relating to public health, are being complied with, and no person shall obstruct or prevent or attempt to prevent the Medical Officer from entering any building or property for such purpose. Penalty: \$50.

2. The Council may, on the recommendation of the Medical Officer, direct the general quarantine of any of the Islands and shall forthwith inform the Governor of such quarantine order.

3. No person shall enter or leave any Island in respect of which a general quarantine order has been made under the provisions of the last preceding regulation. Penalty: \$50.

4. No person shall board any ship or aircraft after having been warned by the master or any medical officer thereof or by the Mayor not to do so because of any sickness thereon. Penalty: \$50.

PART III—PLANT AND ANIMAL QUARANTINE

(Revoked by Ordinance No. 3 of 2004)

PART IV—ANIMALS AND WILD LIFE

A—CONTROL OF DOMESTIC ANIMALS

1. No goats may be kept on the Islands of Henderson, Ducie or Oeno. Penalty: \$100 or 40 days' imprisonment.

2. No goats may be kept on Pitcairn Island except by registered goat owners in such parts of the Island as the Council may from time to time appoint. Penalty: \$20.

3. Upon the application of any person, the Council may cause such person to be registered as a goat owner subject to such conditions not inconsistent with the provisions of this Part of these Regulations as the Council sees fit to impose.

4. All goats kept on Pitcairn Island under the provisions of this Part of these Regulations shall be confined within fences or tethered so as to prevent them from straying and any goats not so confined or tethered shall be deemed to be wild goats.

5. No goat suffering from the disease known as "Big Bubby" shall be kept on Pitcairn Island. Penalty: \$20.

6. In addition to any penalty imposed for any contravention of the last preceding regulation, the Court may order that any goat suffering from the disease known as "Big Bubby" be destroyed and the carcass disposed of in such manner as the Court may direct. Penalty: \$50.

7. All domestic poultry shall be confined within fences or pens adequate to prevent them from straying:

Provided that, on the application of any person, the Council may exempt such person from the provisions of this regulation

if in the opinion of the Council any poultry kept by such person are kept far enough away from any dwellings or gardens as to be unlikely to cause any nuisance or damage. Penalty: \$20.

8. All other domestic animals, with the exception of dogs and cats, shall be confined within fences or tethered so as to prevent them from straying. Penalty: \$20.

9. The owner or keeper of any dog shall keep such dog under control at all times so as to prevent such dog from rushing at, attacking or injuring any person in any public place or on any land other than the land of the owner or keeper of such dog. Penalty: \$20.

10. In addition to any penalty imposed under the provisions of the last preceding regulation, the Court may, on the application of any person, order that any dog which has bitten any person, or has been the subject of more than one conviction under the provisions of the last preceding regulation, be destroyed in such manner as the Court may direct. Penalty: \$50.

11. Without prejudice to the right to compensation conferred by the provisions of the next succeeding regulation, if any domestic animal causes damage to any property or crops growing on any land in the possession or occupation of any person, such person may request the owner or keeper of any such animal to remove it forthwith and, if such request is not complied with within a reasonable time, may kill such animal provided that he or she forthwith delivers the carcass to such owner or keeper.

12. In addition to any penalty imposed under the provisions of this Part of these Regulations, the Court may, on the application of any person, who has suffered damage, order the owner or keeper of any domestic animal to replace in kind or to pay compensation for any damage done by such animal whilst straying.

B—CARE OF ANIMALS

1. No person shall cruelly ill-treat any animal or cause or procure, or, being the owner or keeper of any animal, permit or suffer any animal to be cruelly ill-treated. Penalty: \$100 or 40 days' imprisonment.

2. No person, being the owner or keeper of any domestic or captive animal, shall fail to provide such animal with proper and sufficient food, drink or shelter. Penalty: \$20.

3. No person shall keep any domestic or captive animal which is in such a condition that it is cruel to keep it alive. Penalty: \$20.

4. In addition to any penalty imposed under the provisions

of the last preceding regulation, the Court may order any such animal to be destroyed in such manner as the Court may direct. Penalty: \$50.

5. No person shall keep any animal chained or tethered upon an unreasonably short chain or rope for an unreasonable time or use wire to tether any animal. Penalty: \$50.

C—WILD LIFE

1. No person shall kill, take or in any way molest any wild bird or take any eggs of any wild bird except in accordance with the provisions of these Regulations. Penalty: \$50.

2. The provisions of the last preceding regulation shall not apply to the Hawk (*Fregata minor*) or its eggs, except during the months of August to December inclusive, or to the Noddy (*Anous stolidus pileatus*) or its eggs, except during the months of August to January inclusive.

3. Notwithstanding the provisions of the last two preceding regulations, the Council may appoint a committee of its members, to be known as the Wild Bird Protection Committee, which committee shall have authority to declare that all or any of the following birds or their eggs, namely—

- All species of Petrel (*Pterodroma*);
- All species of Noddy (*Anous stolidus pileatus*);
- All species of Booby (*Sula*);
- Bosun Bird (*Phaeton rubicauda* subsp.);
- The Hawk (*Fregata minor*),

may be killed or taken on Oeno Island, and may-

- (a) limit the numbers of all such birds or their eggs that may be killed or taken by any one person;
- (b) restrict the times during which any such birds or their eggs may be killed or taken; or
- (c) restrict the areas within which any such birds or their eggs may be killed or taken.

4. The Council may, with the prior approval of the Governor, wholly or partially exempt any person or persons from any of the provisions of the three last preceding regulations.

5. No person shall take, hunt, fish, capture, harass or intentionally kill, or attempt to take, hunt, fish, capture, harass or kill, any member of the following species—

- blue whale (*balaenoptera masculus*)
- humpback whale (*megaptera novaeangliae*)
- right whale (*eubalaena glacialis*)
- short-tailed albatross (*diomedea albatrus*)
- cahow (*pterodroma cahow*)
- dark-rumped petrel (*pterodroma phaeopygia*)

green sea turtle and related species (*cheloniidae*)
 leather back sea turtle (*dermochelys coriacea*)
 hawksbill turtle (*eretmochelys imbricata*)
 loggerhead turtle (*caretta caretta*)
 Ridley turtle (*lepidochalys olivacea*)

Penalty: \$50.

6. Notwithstanding the provisions of Regulation 5, the Council may appoint a committee of its members, to be known as the Conservation of Migratory Species of Wild Animals Committee which shall have power to authorise any person in a manner not inconsistent with the welfare of the species concerned and to the extent of such number of members of the species and the area and times within which such authorisation shall have effect, as shall be specified therein, to take, hunt, fish, capture, harass or kill any members of any species referred to in Regulation 5—

- (a) for scientific purposes;
- (b) for the purpose of enhancing the propagation or survival of the species concerned;
- (c) in order to accommodate the needs of traditional subsistence users of the species concerned; or
- (d) as required by extraordinary circumstances,

and where any such authorisation has been duly given by the Committee, the person to whom it has been given shall not by reason of any act committed in pursuance thereof be guilty of any offence under Regulation 5.

7. The Committee constituted under Regulation 6 shall be responsible for the implementation within the Islands of the Convention on the Conservation of Migratory Species of Wild Animals as the same shall be applied to Pitcairn.

D – PESTICIDES

1. No person shall import into the Islands any insecticide, herbicide or any other type of pesticide without declaring the same to the Director of Biosecurity. Penalty \$100.

2. Regulation D1 shall not apply to pesticides intended for use on the person or for domestic use inside a dwelling house or commercial premises (for example, insect repellent and fly sprays).

3.—(1) No person within the Islands shall, without a permit, willfully spread by spray or by any other means any insecticide, herbicide or any other type of pesticide. Penalty: \$100

(2) This section shall not apply to spreading on any land which is house land, garden land, orchard land or forestry land, nor to spreading on or within a 5 metre radius of a tree that is

on public land on Pitcairn Island (provided that the spreading is carried out by or on behalf of a person who is recognised as the beneficial owner of that tree).

4. (1) The Council may, upon payment to it by the applicant of a fee prescribed in accordance with regulation D8, approve the issue of a permit authorising a person named in the permit to do anything forbidden by regulation D3, but only if there is or appears to be no other satisfactory course of action.

(2) A permit shall be in the form from time to time approved by the Council, shall record the date on which the Council approved the issue of the permit, and shall be signed by the Director of Biosecurity (or, where the Director of Biosecurity is not available, by the Mayor).

5. A permit shall specify the physical location of the area within the Islands to which it relates, the period for which it is valid, and the nature of the activities that are permitted under that permit.

6. A person authorised by a permit issued under regulation 3 must inform the Council in writing from time to time, but not later than one month after the expiry of the permit, of anything that has been done under the permit.

7. Written records shall be kept by the Council of the following:

- (a) all permits granted including particulars of the period and conditions thereof; and
- (b) all activities conducted under the permit.

8. Council may from time to time prescribe fees for issue of permits under regulation D4 and such fees shall take effect upon approval of the Governor.]

(Subpart D inserted by Regulations 23.02.11)

PART V—PUBLIC WORK

1. The Council [or person(s) designated by the Council for such purpose] may declare any work or services for the common benefit of the inhabitants of Pitcairn Island to be public work:

Provided that no work or services for which financial provisions is made in the annual estimates of the Islands shall be declared public work.

2. The Council shall be responsible for the planning and general supervision of all public work.

3. **(Repealed by Regulations 18.04.10)**

[4. Every inhabitant of Pitcairn Island who:

- (a) has attained the age of 16 years and has not attained the age of 65 years, or
- (b) is in paid employment;

shall be liable to perform public work without payment at such times and on such days as the Council, or persons designated by the Council for such purpose, may direct:

Provided that the following persons shall be exempt from the performance of public work—

- (a) any person in fulltime attendance as a student at the public school or undertaking fulltime study by correspondence;
- (b) any person whom the Medical Officer certifies to be temporarily or permanently unfit for work on account of illness or incapacity;
- (c) any person exempted by the Governor or the Council from the performance of public work:

And further provided that no person not exempted from the performance of public work under this Regulation shall be required to perform any physical work for which he or she would not be suited.]

5. All persons liable to perform public work shall assemble in the Public Square, or other such place as may from time to time be appointed by the [Council].

6. No person liable to perform public work shall, without lawful excuse

- (a) fail to attend at the time and place appointed in or under the last preceding regulation;
- (b) fail to perform any public work assigned to him [or her]; or
- (c) perform any such work negligently or carelessly.

Penalty: \$50.

7. No person shall, without lawful excuse, in any way interfere with persons performing public work or hinder them in the performance of such work. Penalty: \$50.

[8.—(1) It shall be a function of the Council to oversee the conditions in which children perform paid or unpaid work, and to ensure that children are not exposed to risks to their health, safety and morals in workplaces on the Islands.

(2) The Council shall annually at its first meeting in each year appoint or reappoint a designated member of the Island Officers to—

- (a) monitor the work conditions of children on the Islands and ensure that no child is exposed to or engaged in work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of that child.
- (b) report annually to the Island Council on the work conditions of children.

(3) In this Regulation “workplace” means any place in which:

- (a) goods (including food) are manufactured for sale or trade;
- (b) construction of roads, buildings or other structures is being undertaken;
- (c) public work is being carried on under these Regulations;
- (d) heavy machinery is being used for any purpose— provided that no part of a private home shall be deemed a workplace on account of subparagraph (a) above unless it is a room or area set aside wholly for the manufacture of goods (including food) for sale or trade.]

(Amended by Regulations 18.04.10)

PART VI—[GOVERNMENT VESSELS, MACHINERY AND EQUIPMENT]

A—INTER-ISLAND VOYAGES

1. No boat shall be used for the purpose of travelling between Pitcairn Island and any other of the Islands without the approval of the Council which, before granting any such approval, shall satisfy itself that such boat is in a seaworthy condition, adequately manned and provided with sufficient serviceable lifesaving equipment which shall consist of not less than—

- (a) one lifejacket for each occupant of such boat;
- (b) one lifeboat compass;
- (c) one electric lantern with spare battery or one oil lantern with filled oil container;
- (d) one lifeboat sea anchor; and
- (e) six lifeboat smoke signals or flares:

Provided that in the discretion of the Council such smoke

signals or flares may be dispensed with in cases of emergency when there are insufficient or no such smoke signals or flares available on Pitcairn Island.

2. In addition to the lifesaving equipment required under the provisions of the last preceding regulation, the Council may require any boat travelling from Pitcairn Island to any other Island to carry a serviceable radio transceiver and prescribe the times at which such boat is to communicate with the Pitcairn Island radio station.

3. No person shall travel between Pitcairn Island and any other of the Islands in any boat either as captain, crew member or passenger except in accordance with the foregoing provisions of this Part of these Regulations. Penalty: \$50.

B—GENERAL USE AND MANNING OF PUBLIC BOATS

1. The Council shall appoint a captain and crew for each public boat.

2. The captain of each public boat shall be responsible—
- (a) for its navigation, working and safety when on the water, and may refuse to take any person or cargo into such boat unless he considers it safe to do so; and
 - (b) for the landing and discharge of passengers and cargo on to and from such boat.

3. The captain of a public boat shall detail one or more members of the crew in rotation to be responsible for the care of such boat whilst lying alongside any other boat or any ship.

[4. No person shall use any public vessel, machinery or equipment without the permission of the Division Manager (Operations) or, in the case of a vessel, its captain. Penalty: \$50.]

(Repealed and replaced by Regulations 18.04.10)

5. No member of the crew of any public boat shall disobey any lawful order given by the captain thereof or perform any work assigned to him by such captain negligently or carelessly. Penalty: \$20.

6. No person being a passenger in any public boat, shall disobey any lawful order given by the captain thereof. Penalty: \$20.

C—MAINTENANCE OF PUBLIC BOATS

1. The captain of each long-boat shall be responsible for all minor repairs to and maintenance of such boat.

2. Subject to the provisions of the last preceding regulation, all repairs to and maintenance of public boats shall be carried out by such persons as the Council may from time

to time appoint for that purpose, and whenever any such boat requires repairs the captain thereof shall report that fact to the [Division Manager (Operations)] informing him [or her] of the nature of the repairs required.

(Amended by Regulations 18.04.10)

D—VISITS TO SHIPS [BY CHILDREN]

1. **(Repealed by Regulations 18.04.10)**
2. **(Repealed and replaced by Regulations 18.04.10)**
3. No child [under the age of 16] may visit any overseas ship calling at Pitcairn Island:

Provided that—

- (a) [children of or above the age of 13 years] may, with the consent of the Mayor, visit any such ship at any time outside school hours for the purpose of instruction in the manning of the public boats; and
- (b) with the approval of the Mayor and of the captain of any public boat, any child may visit any such ship in such boat.

(Amended by Regulations 16.04.2014)

4. Notwithstanding any of the provisions of the foregoing regulations in this Part of these Regulations, any person may, with the permission of the Mayor given on the written recommendation of the Medical Officer, visit any overseas ship for the purpose of obtaining medical advice or attention.

5. The parents or guardian of any child shall be responsible for the observance of the provisions of this Part of these Regulations by such child and shall be liable to pay any penalty imposed for any contravention thereof by such child.

6. The captain of each public boat shall not permit any child to enter his boat except in accordance with the provisions of this Part of these Regulations. Penalty: \$5.

(Amended by Regulations 18.04.10)

PART VII—PUBLIC TELEPHONE

1. No connection may be made to any public telephone line except with the prior approval of the Council which may also, in its discretion, order a disconnection. Penalty: \$10.

2. No person, other than a person approved by the Council for that purpose, shall effect any connection or carry out any maintenance to any public telephone line.

3. The Council shall allot a call signal for each connection to every public telephone line.

4. Any person wishing to convey information of general interest to all persons having connection to any public telephone line may give one sustained ring, in which case all persons

having connection to such telephone line may listen in.

5. Except as provided in the last preceding regulation, no person shall listen to any conversation on any public telephone line other than a call made to his or her own connection. Penalty: \$10.

PART VIII—PUBLIC ELECTRICITY

1. No connection may be made to any public electricity supply except with the prior approval of the Council. Penalty: \$10.

2. The Council shall not approve any connection to the school electricity supply without the prior consent of the Education Officer, or any connection to the radio station electricity supply without the prior consent of the Radio Officer.

3. The Council may refuse its approval to the connection of any building to any public electricity supply or order the disconnection of any building from any such supply if, in the opinion of the Council—

- (a) such building is not suitably constructed or is unsound;
- (b) such connection is likely to endanger the supply of electricity to, or the safety of, other buildings on the same circuit, or the safety of such circuit; or
- (c) insufficient generating capacity is available.

4. No person, other than a person authorized by the Chairman, shall effect any connection to, or carry out any maintenance on, any public electricity supply. Penalty: \$20.

5. No person shall—

- (a) use any electrical appliance connected to any public electricity supply after having been warned not to do so by the Chairman or by any person authorized by him in that behalf; or
- (b) use any electricity from any public electricity supply in such a manner as to interfere with the efficiency of such supply. Penalty: \$20.

6. The Chairman or any person duly authorized by him in that behalf may, at all reasonable times as he or she may think fit, enter any building connected to any public electricity supply for the purpose of inspecting or testing any electrical installation therein, and no person shall obstruct or prevent or attempt to prevent him from entering any such building for that purpose. Penalty: \$50.

7. Charges for the supply of electricity from any public electricity supply shall be such as may be prescribed by the Council from time to time and shall be paid monthly.

PART IX

(Revoked by Prisons Regulations 2003)

PART X

(Revoked by Firearms (Control) Regulations 2003)

PART XI—CONTROL OF TRAFFIC

1. In this Part of these Regulations, unless the context otherwise requires—

“driver” means the driver of a vehicle and includes the rider of a motor cycle or power cycle; and also includes a person in charge of a vehicle which is being towed; and “drive” has a corresponding meaning;

“intersection” means the area within the prolongation of the lateral boundary lines of each of two or more intersecting or meeting roads;

“motor cycle” means a motor vehicle the net weight of which does not exceed eight hundredweight, designed to travel on not more than three wheels;

“motor vehicle” means any vehicle propelled by mechanical power and constructed for use on roads, and includes a trailer attached to or towed by any such vehicle;

“vehicle” means any contrivance equipped with wheels, runners or tracks upon which it moves or is moved and includes a bicycle and a wheelbarrow but does not include a push-cart, perambulator, mowing machine or any other contrivance operated or controlled by a pedestrian, whether or not such contrivance is power driven.

2. No person shall drive a motor vehicle of any class upon any road or in any other place to which the public have access unless he is the holder of a driving licence valid in respect of such class of vehicle and issued under the provisions of this Part of these Regulations, or, being the owner of or having charge of any motor vehicle of any class, permit any other person to drive such vehicle on any road unless such other person is the holder of such a driving licence. Penalty: \$50.

3. Every person wishing to drive any class of motor vehicle on any road or in any other place to which the public have access shall apply to the police officer for a licence to drive such class of motor vehicle and the police officer may, subject to any directions of the Council, if he or she is satisfied that such person is—

- (a) over the age of 15 years;
- (b) not suffering from any disease or physical disability which would be likely to cause the driving by him or her of any motor vehicle of such class to be a source of danger to the public;
- (c) competent to drive a motor vehicle of that class; and
- (d) not disqualified from holding or obtaining a driving licence by an order made under the provisions of these Regulations;

issue such a person with a driving licence to drive motor vehicles of such class as may be specified in such licence.

(Amended by Regulations 16.06.04)

3A. Notwithstanding the foregoing provisions of this Part of these Regulations, the police officer may issue a permit for any period not exceeding three months to any person over the age of 15 years for the purpose of learning to drive a motor vehicle, subject to the conditions that the learner shall not drive any motor vehicle during the currency of such permit—

- (a) unless he or she is directly instructed and supervised by a person of the age of eighteen years or more who has been licensed as a driver for not less than twelve months;
- (b) otherwise than within an area specifically designated from time to time for the purpose of driving instruction by the Council.

Such permit shall during its currency be deemed to be a valid driving licence for the purpose of Regulation 2 of this Part.

[4.—(1) Every driving licence issued under the provisions of these regulations shall be valid

- (a) in the case of every permanent resident of the Islands, upon payment of the sum of twenty-five dollars (\$25.00), for the remainder of his or her lifetime;
- (b) in the case of any other person, upon payment of the sum of ten dollars (\$10.00), until the 31st day of March in the next following year;

in either case, unless withdrawn or cancelled for any cause under any provision of these regulations.

(2) Upon the commencement of this regulation, no refund of any part of any driving licence fee already paid shall become due.

(3) This regulation shall have application with effect from the 1st day of April 2004.]

(Revoked and replaced by Regulations 16.06.04)

5. No person shall drive or ride any vehicle other than a wheelbarrow on any road or in any other place to which the

public have access at any time between sunset and sunrise unless such vehicle is equipped

- (a) in the case of a motor vehicle, other than a motor cycle, with not less than two headlamps of approximately equal candle power, placed on such vehicle in such a manner that they direct a beam of light in front of the vehicle sufficient to illuminate clearly the road ahead for at least fifty yards; and
- (b) in the case of any other vehicle, other than a wheelbarrow, with one headlamp placed on such vehicle in such a manner as to direct a beam of light ahead of the vehicle of sufficient brilliance to be visible under normal atmospheric conditions for a distance of at least three hundred feet and, in the case of a motor cycle, to illuminate clearly the road ahead for at least fifty yards. Penalty: \$20.

6. No person shall drive or ride any vehicle other than a wheelbarrow at any time between sunset and sunrise on any road or in any other place to which the public have access unless such vehicle is carrying not less than one lamp showing a red light to the rear, of such intensity as to indicate clearly within a reasonable distance its presence on the road to other traffic approaching from behind. Penalty: \$20.

7. No person shall drive or ride any vehicle other than a wheelbarrow on any road or in any other place to which the public have access unless such vehicle is equipped with an instrument capable of giving audible and sufficient warning of its approach or position. Penalty: \$20.

8. No person shall drive or ride any vehicle on any road or in any other place to which the public have access, unless—

- (a) such vehicle is so constructed or designed that the driver or rider thereof, while controlling the vehicle, can have a full view of the road and traffic ahead; and
- (b) if such vehicle is equipped with a windscreen, such windscreen is of safety glass and the vehicle is equipped with an efficient mechanically operated windscreen wiper to prevent interference with the driver's vision by weather conditions. Penalty: \$20.

9.—(1) No person shall drive any motor vehicle on any road or in any other place to which the public have access unless such vehicle is equipped with an efficient braking system so constructed and maintained as to bring the vehicle to a stop in a distance of twenty-five feet when running at the rate of twenty miles an hour on level ground. Penalty: \$20.

(2) No person shall ride any bicycle on any road or in

any other place to which the public have access unless it is equipped with at least one efficient brake attached thereto and operating on the rear wheel. Penalty: \$20.

10. The load carried by any vehicle shall be so secured that danger is not likely to be caused to any person on a road or in any other place to which the public have access by reason of the load or any part thereof falling from the vehicle. Penalty: \$20.

11. Every part of every braking system and all of the means of operation thereof, all steering gear, all lights, every windscreen wiper and all tyres fitted to a vehicle shall at all times while such vehicle is used on a road or in any other place to which the public have access be maintained in good and efficient order and in such condition as to be free from any defect which might cause danger to any person. Penalty: \$20.

12. No person while driving or riding any vehicle shall be in such a position that he or she cannot have proper control over the vehicle or that he cannot retain a full view of the road and traffic ahead. Penalty: \$20.

13.—(1) No person having charge of any vehicle, whether as owner, driver, rider or otherwise shall cause or permit such vehicle to stand on a road so as to cause any unnecessary obstruction thereof. Penalty: \$20.

(2) Every person being the driver or rider of any vehicle shall, on leaving such vehicle stationary in any road, park such vehicle as far to the left of such road as is practicable. Penalty: \$20.

14. No person shall, except in the case of a vehicle actually engaged in the construction, maintenance or repair of any road, cause any vehicle to travel backwards for a greater distance or time than is necessary for the safety or reasonable convenience of the occupants of that vehicle or of other traffic on the road. Penalty: \$20.

15.—(1) The Island Council shall from time to time by order in writing prescribe the number of persons (whether adults or children) who may be carried as passengers at one time on any motor-cycle or other powered two-wheeled vehicle and in what manner such passengers shall be seated or secured thereon. Penalty \$20.

(2) Not more than one person shall at any one time ride or be carried on any bicycle. Penalty: \$10.

16. No person shall ride, or being the owner or having charge of any vehicle permit any other person to ride, in any insecure position on any vehicle whilst such vehicle is in motion on a road or in any other place to which the public have access. Penalty: \$20.

17. Subject to the provisions of regulation 18, every vehicle shall be driven or ridden as close to the left side of the road as is practicable. Penalty: \$20.

18. Every vehicle overtaking another vehicle shall be kept to the right-hand side of such vehicle except when the driver or rider of the vehicle being overtaken has signified the intention of turning to the right and has taken up a position on the road leaving ample room for overtaking vehicles to pass on left-hand side. Penalty: \$20.

19. Subject to the provisions of the next succeeding regulation—

- (a) every vehicle meeting any other vehicle or any pedestrian or animal in any road or in any other place to which the public have access shall, where necessary to allow safe passage for any reason, slow down and the driver or rider of an unladen vehicle shall give the right of way to any laden vehicle in such circumstances; and
- (b) vehicles descending a hill shall where necessary give the right of way to ascending vehicles. Penalty: \$20.

20. The driver or rider of any vehicle approaching or crossing an intersection shall give the right of way to any other vehicle approaching or crossing the intersection on his or her right and to any pedestrian crossing the intersection from his or her right and, if necessary, shall stop the vehicle. Penalty: \$20.

21. Where for any reason any vehicle is proceeding at a slow rate of speed which is causing obstruction to other traffic, the driver or rider of such vehicle shall keep as close as practicable to the left-hand side and permit other vehicles to overtake him. Penalty: \$10.

22. No person shall drive or ride any vehicle on any road or in any other place to which the public have access without due care and attention or without reasonable consideration for other persons using such road or place. Penalty: \$50.

23.—(1) No person shall drive any motor vehicle on a road or in any other place to which the public have access at a speed greater than 30 miles per hour.

(2) No person shall drive any motor vehicle on a road or in any other place to which the public have access recklessly or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case, including the nature, condition and use of such road or place and the amount of traffic which is actually at the time or which might reasonably be expected to be on or in such road or place. Penalty: \$100 or 40 days' imprisonment.

24. On the conviction of any person under the provisions of regulation 23, the Court may, in addition to any penalty imposed under that regulation, order that the person convicted be disqualified from holding or obtaining a driving licence, either absolutely or in respect of any particular class or description of motor vehicles, for such period as the Court shall think fit:

Provided that—

- (a) such period of disqualification shall not, in the case of a first conviction for any such offence, exceed a period of two years; and
- (b) any person disqualified under the provisions of this regulation, at any time after the expiration of six months from the date of such order of disqualification, may apply to the Council for removal of the disqualification, and the Council may as it thinks proper, having regard to the character of the person disqualified and his or her conduct subsequent to the making of such order, the nature of the offence and any other circumstances of the case, either by order remove the disqualification as from such date as the Council may direct or refuse the application.

**(The Local Government (Special Election Provisions)
Ordinance 2004 repealed by Ordinance No. 1 of 2007)**