

**POLITICAL ACTIVITIES (AMENDMENT) ORDINANCE
2016**

NOTICE OF COMMENCEMENT 2016

(Legal Notice 13 of 2016)

MADE by the Governor under section 1 of the Political Activities (Amendment) Ordinance 2016. *Ord. 4 of 2016*

The 15th day of March 2016 is appointed as the day on which the Political Activities (Amendment) Ordinance 2016 shall come into operation.

MADE this 22 day of February 2016.



**PETER BECKINGHAM
GOVERNOR**



TURKS AND CAICOS ISLANDS
POLITICAL ACTIVITIES (AMENDMENT) ORDINANCE
2016
(Ordinance 4 of 2016)

ARRANGEMENT OF SECTIONS

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TURKS AND CAICOS ISLANDS

**POLITICAL ACTIVITIES (AMENDMENT) ORDINANCE
2016**

(Ordinance 4 of 2016)

I assent.

Anya Williams
Acting Governor



Dated this 12th day of February 2016.

AN ORDINANCE TO AMEND THE POLITICAL ACTIVITIES
ORDINANCE.

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title and commencement

1. This Ordinance may be cited as the Political Activities (Amendment) Ordinance 2016 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

Interpretation

2. In this Ordinance “principal Ordinance” means the Political Activities Ordinance.

Section 2 amended

3. Section 2 of the principal Ordinance is amended by inserting in the appropriate alphabetical position the following definition—

““election proclamation” means the proclamation published under section 59 of the Constitution;”.

Section 3 amended

4. Section 3(1) of the principal Ordinance is amended by inserting after the word “parties” the words “and independent candidates”.

Section 4 amended

5. Section 4(1)(b) of the principal Ordinance is amended by inserting after the word “party” the words “and who is registered under this Ordinance”.

Section 6 amended

6. Section 6 of the principal Ordinance is amended—

(a) in subsection (2)(a) by inserting after the word “registered” the words “or has fielded candidates or otherwise participated in previous elections in the Islands”; and

(b) by inserting after subsection (5) the following subsections—

“(6) An application for registration under this section shall be made to the Commission no later than five days from the date of the election proclamation.

(7) A party applying to be registered under this section must, on the date of the application, file a donation report and a campaign expenditure return with the Commission of any donation received and campaign expenditure incurred during the 365 days prior to the date of the application.

(8) If no donation is received or campaign expenditure incurred during the period stated in subsection (7) it shall be so stated in the report or return, as the case may be.

(9) Chapters I and II of Part IV apply to any donation received by an unregistered political party.

(10) Sections 39, 40, 42, 43, 44, 45 and 46 apply to campaign expenditure incurred by an unregistered political party, with such modification as may be necessary, and for the purposes of such application, and any reference to the treasurer or deputy

treasurer shall be construed as a reference to the leader of the political party.

(11) In this section “campaign expenditure” has the meaning given to that expression in section 39.”.

Section 24 amended

7. Section 24(15) of the principal Ordinance is amended by deleting the letter“(a)” in the series of paragraphs and substituting “(b)”.

Section 34 amended

8. Section 34(2) of the principal Ordinance is amended—

- (a) by inserting immediately before the word “registered” the word “A”;
- (b) in paragraph (b) by deleting “33(4)(a)” and substituting “33(1)(a)”.

Section 36A inserted

9. The principal Ordinance is amended by inserting after section 36 the following section—

“Weekly donation reports in connection with a by-election

36A. (1) The Governor may, after consultation with the Commission and all registered parties, by order, make provision for—

- (a) sections 33 and 34, together with Schedule 2;
- (b) sections 35 and 36; and
- (c) section 73 in so far as applying in relation to section 35(1) or (2),

to apply in relation to the specified election period in the case of a by-election with such modifications as are specified in the order.

(2) In this section—

- (a) “specified election period”, in relation to a by-election, means such period ending with the date of the poll for the election as may be specified in an order under subsection (1); and
- (b) “by election” means an election other than a general election.”.

Section 52 amended

10. Section 52 (1) of the principal Ordinance is amended in the definition of "third party" by deleting "(8)" and substituting "(3)".

Section 61 amended

11. Section 61(3)(a) of the principal Ordinance is amended by deleting the word "\$5,000" and substituting "\$50,000".

Section 67A inserted

12. The principal Ordinance is amended by inserting in Part VII immediately after the heading "*Independent candidates*" the following section—

"Registration of independent candidate

67A. (1) An individual may apply for registration as an independent candidate by sending to the Commission an application signed by the individual, along with supporting documents, and setting out—

- (a) the full name and date of birth of the individual;
- (b) the name of the electoral district in which he intends to be an independent candidate; and
- (c) the address to which communications intended for him may be addressed and where his books, records and accounts pertaining to contributions to and expenditures by him are or will be maintained,

in the form of Form 1 of Schedule 6 with such modifications as may be necessary.

(2) Where the Commission receives an application from an individual in accordance with subsection (1), it shall grant the application unless at the date of the application, the applicant—

- (a) has been adjudged or otherwise declared bankrupt under any law in force in any country and has not been discharged;
- (b) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Islands;
- (c) is serving or has at any time within the period of fifteen years immediately preceding that date been serving any part of a sentence of imprisonment (by whatever name called) of at least twelve months imposed on him or her by a court in any country or substituted by competent authority for some

other sentence imposed on him or her by such a court; or is under such a sentence of imprisonment the execution of which has been suspended;

(d) has been convicted of an offence of corruption or an offence relating to political party regulation or the misuse of public money under any law in force in the Islands;

(e) has not made a report or return as required by subsection (7); or

(f) is disqualified for election by any law by reason of his or her holding or acting in any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election; or

(ii) any responsibility for the compilation or revision of any register of electors.

(3) For the purposes of subsection (1)(c)—

(a) where a person is serving two or more sentences of imprisonment that are required to be served consecutively he or she shall, throughout the whole time during which he or she so serves, be regarded as serving a sentence exceeding twelve months if (but not unless) any one of those sentences exceeds that term;

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

(4) If the Commission grants an application by an individual under this section, it shall include the individual's entry in the register—

(a) the particulars given in the application; and

(b) the date of registration.

(5) If the Commission refuses an application under this section, it shall notify the individual of the reasons for refusing the application.

(6) An application for registration under this section shall be made to the Commission no later than five days from the date of the election proclamation.

(7) An individual applying to be registered under this section shall, on the date of the application, file a donation report and a campaign expenditure return with the Commission of any

donation received and campaign expenditure incurred during the 365 days prior to the date of the application.

(8) If no donation is received or campaign expenditure incurred during that period stated in subsection (7) it shall be so stated in the report or return, as the case may be.

(9) Chapters I and II of Part IV apply to any donation received by an unregistered independent candidate.

(10) Sections 39, 40, 42, 43, 44, 45 and 46 apply to campaign expenditure incurred by an unregistered independent candidate, with such modification as may be necessary, and for the purposes of such application, any reference to the treasurer or deputy treasurer shall be construed as a reference to the independent candidate.

(11) In this section "campaign expenditure" has the meaning given to that expression in section 39."

Section 68 amended

13. Section 68 of the principal Ordinance is amended—

(a) in subsection (3) by inserting before paragraph (a) the following paragraph—

“(aa) subject to subsection (4A), Part III;”
and

(b) by inserting after subsection (4) the following subsection—

“(4A) Part III applies to an independent candidate as if for the terms “treasurer of a registered party”, “treasurer” and “registered party” there were substituted the term “independent candidate”.

Section 79 amended

14. Section 79 of the principal Ordinance is amended by inserting after subsection (1) the following subsection—

“(1A) The Governor may, after consultation with the Commission, make regulations in respect of the winding down or closing down of operations of a political party or independent candidate who has ceased to be registered under this Ordinance.”.

Schedule 1 amended

15. Schedule 1 to the principal Ordinance is amended—

(a) by deleting paragraph 4(2);

(b) in paragraph 5—

- (i) by deleting “(1)”;
- (ii) subparagraph (a) by deleting “7” and substituting “9”; and
- (iii) by deleting subparagraph(b);
- (c) by deleting paragraph 7(1)(c);
- (d) in paragraph 8 by deleting “11” in both places where it appears and substituting “10”;
- (e) by deleting paragraph 10;
- (f) in paragraph 11 by deleting “12(3)(a)” and substituting “8(3)(a)”;
- (g) in paragraph 14 by deleting “14” and “11” and substituting “10” and “7”, respectively.

Schedule 5 amended


16. Schedule 5 to the principal Ordinance is amended in paragraph 7(1)(a) by deleting “30(2)” and substituting “24(2)”.


Schedule 6 amended

17. Schedule 6 to the principal Ordinance is amended—

- (a) in Form 2 by inserting immediately below the words “FORM 2” the words “(Section 47)”;
- (b) in Form 3 by inserting immediately below the words “FORM 3” the words “(Section 55)”;
- (c) in Form 4 by inserting immediately below the words “FORM 4” the words “(Sections 31 and 33)”.

PASSED by the House of Assembly this 10th day of February 2016.


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Tracey Parker
Clerk to the House of Assembly


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Robert Hall
Speaker

