

THE CONSTABLES (SPECIAL) ACT

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SCHEDULES

THE CONSTABLES (SPECIAL) ACT

[5th May, 1904.]

[Part IV and Fifth Schedule: 1st July, 1974.]

Cap. 71.
Acts
14 of 1983,
1 of 1988,
4 of 1996,
28 of 2001,
12 of 2008,
24 of 2017
3rd Sch.

1. This Act may be cited as the Constables (Special) Act.

Short title.

PART I. *Parish Special Constables*

2. In any case where it is made to appear to two Justices for any parish, that any tumult, riot, or felony has taken place, or may reasonably be apprehended in such parish, and such Justices are of opinion that the ordinary officers appointed for the purpose are not sufficient for the preservation of the peace, for the protection of the inhabitants, and for the security of property in such parish, then and in every such case such Justices are hereby authorized to appoint by writing under their hand, in the Form contained in the First Schedule, so many as they may think fit of the householders or other persons residing in such parish, or being willing to be appointed Parish Special Constables, to act as Parish Special Constables for such time and in such manner as to the said Justices may seem fit and necessary for the preservation of the public peace, for the protection of the inhabitants and for the security of property in such parish, and such Justices shall forthwith inform the Superintendent of Police of the names of the Parish Special Constables so appointed, and furnish a full report of their action to the Minister.

Power to
appoint
Parish
Special
Constables.

First
Schedule.

3. On the appointment of any Parish Special Constable the following oath shall be administered by a Justice to every person so appointed, that is to say—

Parish
Special
Constable's
oath.

"I, A.B., do swear that I will well and truly serve
Our Sovereign Lady the Queen in the office of Parish

Special Constable for the parish of

So help me God”:

Provided nevertheless, that Moravians, Quakers, and other persons having conscientious objections to the taking of an oath, may in lieu of the said oath, make a solemn declaration and affirmation to the same effect before such Justice as aforesaid.

Minister's
power to
cause Parish
Special
Constables
to be
appointed.

4. It shall be lawful for the Minister at any time, if he thinks proper, to cause Parish Special Constables to be appointed by any Justice and sworn in manner aforesaid for the whole of the Island, and to signify, if he sees fit, that no person shall be excused from being so appointed and sworn in by reason of any exemption.

Regulations
and orders.
Removal of
Parish Special
Constables.

5. The Minister may make all necessary regulations and orders for promoting the efficiency of Parish Special Constables. The Justices who have appointed special constables, or any officer of the Jamaica Constabulary Force not below the rank of Assistant Superintendent shall have authority to remove any Parish Special Constable from his office for any misconduct or neglect of duty therein.

Powers,
authorities,
advantages
and
immunities
of Parish
Special
Constables.

6. Every Parish Special Constable appointed under this Part shall, not only within the parish for which he may have been appointed, but also throughout the whole Island, have, exercise, and enjoy all such powers, authorities, advantages and immunities, and be liable to all such duties and responsibilities, as any police or other constable duly appointed now has by any law.

Penalty for
refusing, etc.,
to take oath.

7. If any person appointed a Parish Special Constable as aforesaid, refuses to take the oath hereinbefore mentioned when required to do so by a Justice, or refuses, or neglects to appear at the time and place for which he may be summoned for the purpose of taking the said oath, he shall, on being convicted, be liable to forfeit a penalty not exceeding

ten dollars, unless he proves to the satisfaction of the court before which he is tried, that he was prevented by sickness, or such unavoidable accident as may in the opinion of the said court, be a sufficient excuse.

8. If any person, being appointed a Parish Special Constable as aforesaid, and being called upon to serve, refuses or neglects to serve, or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office, he shall, for every such refusal or neglect, on being convicted thereof, be liable to forfeit a penalty not exceeding ten dollars, unless he proves to the satisfaction of the court before which he is tried, that he was prevented by sickness or such unavoidable accident as may, in the opinion of the said court, be a sufficient excuse.

Penalty for refusing to serve or obey lawful orders.

9. The Justices who may have appointed special constables under this Part, are hereby empowered to suspend or determine the services of any or all of the Parish Special Constables so called out, and notice thereof shall forthwith be transmitted to the Minister.

Suspension and determination of services of Parish Special Constables.

10. The appointment of every Parish Special Constable under this Part shall be deemed to be determined upon the expiration of thirty days next after the day upon which such Parish Special Constable is sworn in as a Parish Special Constable, so, however, that he may be again appointed as a Parish Special Constable and sworn in in the manner provided by this Act as if he had not previously been so appointed and sworn in.

Expiration of appointment.

11. Every Parish Special Constable shall, within one week after the expiration of his office, or after he ceases to hold and exercise the same pursuant to this Act, deliver over to his successor (if any such has been appointed), or otherwise to such person, and at such time and place, as may be directed by any Justice, or by the Superintendent of

Penalty for not delivering up badges, etc., after notice.

Police for the parish, every staff, weapon, and other article which may have been provided for such Parish Special Constable; and if any such Parish Special Constable refuses or omits to so do, he shall for such offence, on being convicted thereof, be liable to forfeit a penalty not exceeding four dollars.

Penalty for
assaulting
or resisting
Special
Constables.

12. Every person who assaults or resists a Parish Special Constable appointed under this Part, whilst in the execution of his office, or incites or encourages any other person to do so, shall be liable, on summary conviction, to forfeit a penalty not exceeding forty dollars, or to be imprisoned, with or without hard labour, for any term not exceeding six months.

Payment of
Special
Constables.

13. Whenever any Parish Special Constable is called out, or employed on actual duty, he shall be paid for his trouble, loss of time, and expenses from such sums as may from time to time be voted by the House of Representatives, at and after such rates as may from time to time be fixed by the Minister.

Recovery of
penalties.

14. Penalties under this Part may be recovered summarily.

PART II. Island Special Constabulary Force

Interpreta-
tion.
14/1983
S. 2.
1/1988
S. 2.

15. In this Part and in Parts III and IV—
“Commissioner” means the Commissioner of Police;
“Force” means the Island Special Constabulary Force;
“Special Constable” unless the context otherwise requires includes officers, sub-officers and Special Constables appointed under this Part.

Constitution
of Island
Special Con-
stabulary
Force.

16. There is hereby constituted a permanent force of Special Constabulary to be known as the Island Special Constabulary Force.

Composition
of Force.

17. The Force shall be under the command of the Commissioner and shall consist of so many officers, sub-officers

and Special Constables and shall be divided into such divisions of so many officers, sub-officers and Special Constables as may be prescribed by the Minister.

18. A Special Constable under this Part shall be enrolled in the form contained in the Second Schedule by the Commissioner or any officer of the Jamaica Constabulary Force not below the rank of Assistant Superintendent.

Mode of
enrolment.
Second
Schedule.

19. Notwithstanding anything in Part I no person shall be compelled to become a member of the Island Special Constabulary Force.

Enrolment
in Force not
compulsory.

20. Every Special Constable shall be engaged for a period of three years from the date of his enrolment as a Special Constable:

Period of
service.

Provided that—

- (a) a Special Constable may apply for his release during his period of service;
- (b) a Special Constable shall be released on attaining the age of sixty years; and
- (c) the Commissioner shall have power to release a Special Constable from his engagement or to determine such engagement at any time if any Special Constable does not perform the duties which he undertakes or is for any other reason considered unsuitable.

21. Every Special Constable on being enrolled shall take an oath in the form set out in the Third Schedule:

Swearing
in and form
of oath.
Third
Schedule.

Provided, however, that any person having conscientious objection to the taking of an oath may in lieu of the said oath make a solemn declaration and affirmation to the same effect.

Powers,
authorities,
privileges,
immunities,
duties and
responsi-
bilities of
Special
Constables.
Assaulting
or obstruct-
ing Special
Constable.

22.—(1) Every Special Constable enrolled under this Part shall while on duty in the capacity of a Special Constable have, exercise and enjoy all the powers, authorities, privileges and immunities and shall perform all the duties and have all the responsibilities of a constable of the Jamaica Constabulary Force constituted under the Constabulary Force Act; and assaulting or obstructing a Special Constable in the execution of his duty as a Special Constable shall be punishable as assaulting or obstructing a constable in the execution of his duty is or may be punishable.

(2) A Special Constable shall be deemed to be on duty in the capacity of a Special Constable—

- (a) when what is, or appears to him to be, an offence punishable on indictment or summary conviction is committed in his presence;
- (b) while he is required by the Commissioner or an officer or sub-officer of the Jamaica Constabulary Force or of the Island Special Constabulary Force not below the rank of Sergeant to be on duty;
- (c) when he is called out for service and while he is required to be on duty in accordance with any regulations made under section 23.

Regulation.

23.—(1) The Minister may make regulations generally for giving effect to the provisions of this part.

(2) Without prejudice to the generality of the power conferred by subsection (1) regulations made under that subsection may provide for—

- (a) the organization of the Force;
- (b) the establishment of different ranks and the precedence and command to be had or exercised by the holders of such ranks;
- (c) the conditions of service, enrolment, promotion, demotion, resignation, dismissal or suspension of members of the Force;

(2) Without prejudice to the generality of the power conferred by subsection (1) regulations made under that subsection may provide for—

- (a) the organization of the Force;
- (b) the establishment of different ranks and the precedence and command to be had or exercised by the holders of such ranks;
- (c) the conditions of service, enrolment, promotion, demotion, resignation, dismissal or suspension of members of the Force;
- (d) the training of Special Constables;
- (e) the calling out of Special Constables for service;
- (f) the discipline and guidance of the Force;
- (g) the setting up of Disciplinary Boards to investigate breaches of discipline and to award punishment if necessary and the powers and duties of such Disciplinary Boards;
- (h) the appointment of Boards of Enquiry and the powers and duties of such Boards of Enquiry;
- (i) ensuring the compulsory attendance of witnesses and the production of documents before any Disciplinary Board or Board of Enquiry;

- (j) the payment of wages and of subsistence allowances, travelling allowances and out of pocket expenses to Special Constables and the rates at which and conditions upon which such wages or allowances or both shall be paid to different ranks of Special Constables;
- (k) medical attention and examination of any Special Constable who sustains injury whilst on special constabulary duty;
- (l) the grant to Special Constables who are injured in the execution of their duty as Special Constables of sick benefit and the conditions upon which and the rates at which such benefit shall be payable to Special Constables of different ranks;
- (m) supplies, accommodation and uniform of Special Constables;
- (n) controlling the use of transport for the carrying out of special constabulary duties;
- (o) the establishment of a permanent special constabulary staff.

Penalty for
causing
disaffection,
etc.
14/1983
S. 3.

24. Any person who—

- (a) causes, or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Force; or
- (b) induces, or attempts to induce, or does any act calculated to induce any member of the Force to commit breaches of discipline,

shall be guilty of a misdemeanour and shall be liable on conviction before a Circuit Court to imprisonment, with or without hard labour, for a term not exceeding two years, or on summary conviction before a Resident Magistrate to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding fifty dollars, or to both such fine and imprisonment, and in either case, if such person is a Special Constable, he shall forfeit all pension rights and be disqualified from continuing to be a Special Constable or from being thereafter employed in the Force:

Provided that, where the person convicted of any such offence was a member of the Force and was not sentenced to imprisonment without the option of a fine, the Commissioner may, if he thinks fit, pay to him the whole or any part of the ratable deductions which may have been made from his pay in respect of pensions contribution.

PART III. *Special Constabulary Force Association*

14/1983
S. 4.

25. In this Part—

Interpre-
tation.

“the Association” means the Special Constabulary Force Association established under section 26;

“the Fund” means the Special Constabulary Force Association Fund established under section 30;

“prescribed Special Constable” means a member of the Force other than a member above the rank of Special Inspector.

26.—(1) For the purpose of enabling prescribed Special Constables to consider and bring to the notice of the Commissioner and the Minister all the matters affecting their general welfare and efficiency, there shall be established in accordance with the Fourth Schedule an organization

Establish-
ment of
Special
Constabulary
Force
Association.
Fourth
Schedule.

(3) If any question arises whether any body is a trade union or an association to which this section applies, the question shall be determined by the Permanent Secretary in the Ministry of Labour.

(4) A member of the Force disqualified pursuant to subsection (2) shall forfeit all pension rights and be disqualified from being thereafter employed in the Force.

28.—(1) A person who is not a member of the Force shall not without the consent in writing of the Commissioner attend a meeting of a Branch Board, Central Conference or Central Committee.

Meetings
to be
secret.

(2) A person who is a member of the Force shall not without the consent in writing of the Commissioner publish or communicate to any person other than the Minister or a member of the Force any information (however obtained) relating to the proceedings, deliberations, recommendations or decisions of a Branch Board, Central Conference or Central Committee or to any matter arising out of or concerning the duties of the Association.

(3) Any person who contravenes the provisions of subsection (1) or (2) shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months.

29.—(1) Where a prescribed Special Constable is acting in the capacity of a member of the Association he shall be subject to the disciplinary provisions of the specified regulations in like manner as he would be if acting in

Liability of
member of
Association
to
discipline.

CONSTABLES (SPECIAL)

his capacity as a member of the Force.

(2) In this section “specified regulations” means—

(a) regulations made under section 23;

(b) the Island Special Constabulary Force (General) Regulations, 1950 or any regulations replacing the same.

Special
Constabul-
ary Force
Association
Fund.

30.—(1) Notwithstanding anything to the contrary, it shall be lawful for the Association to establish a Fund to be called the Special Constabulary Force Association Fund with the contributions of voluntary subscriptions from members of the Association and other persons and to administer the Fund for the welfare, relief and assistance of its members and for such other purposes as the Association may, from time to time, and subject to regulations made under subsection (2), think fit.

(2) The Association shall, with the approval of the Minister, make regulations with respect to the collection of voluntary subscriptions and for the use and management of the Fund.

(3) The Association shall keep proper accounts in relation to the Fund and a statement of such accounts, audited annually by a person appointed by the Association and approved by the Minister, shall be submitted annually to the Minister.

(4) The expenses relating to auditing of the accounts shall be paid from the Fund.

PART IV. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

31. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

32. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

33. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

34. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

35. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

36. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

37. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

38. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

39. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

40. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

41. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

42. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

43. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

44. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

45. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

46. *[Deleted by Act 24 of 2017, 3rd. Sch.]*

FIRST SCHEDULE

(Section 2)

FORM OF APPOINTMENT OF PARISH SPECIAL CONSTABLE
JAMAICA.

To _____ of _____

We, the undersigned _____ Justices of the Peace for
the parish of _____, do under the power and authority
in us vested by Part I of the Constables (Special) Act, hereby appoint
you to be Parish Special Constable for the parish of _____.

Dated this _____ day of _____, 19 ____.

(Signed)

Justices of the Peace.

SECOND SCHEDULE

(Section 18)

FORM OF APPOINTMENT OF SPECIAL CONSTABLE
JAMAICA.

To _____ of _____

I, the undersigned _____

(rank)

for the parish of _____, do under the power and authority
in me vested by Part II of the Constables (Special) Act, hereby appoint
you to be a Special Constable in the Island Special Constabulary Force.

Dated the _____ day of _____, 19 ____.

(Name).....

(Rank).....

THIRD SCHEDULE

(Section 21)

I, _____ A.B.

do swear that I will well and truly serve Our Sovereign Lady the Queen
as a Special Constable of the Island Special Constabulary Force. So
help me God.

14/1983

S. 5

Amdt.

L.N. 41P/
1987Constitu-
tion of
Association.

FOURTH SCHEDULE

(Section 26)

*The Special Constabulary Force Association Rules*Branches
of the
Association.

1. The Association shall consist of all members for the time being of the Force below the rank of Assistant Commander and the Association shall act through Branch Boards, Central Conferences and a Central Committee as is hereinafter provided.

2.—(1) The members of the Force below the rank of Special Inspector stationed in any police division shall form a branch of the Association.

(2) The Special Inspectors of the Force shall form a branch of the Association.

Branch
Boards.

3.—(1) In each division there shall be constituted three Branch Boards, one for the Special Sergeants, one for the Special Corporals and one for the Special Constables.

(2) There shall be constituted a Branch Board for the Inspectors.

Special
Inspectors'
Branch
Board.

4. The Special Inspectors' Branch Board shall consist of six members who shall be elected by all the Special Inspectors.

Special
Sergeants'
Branch
Board.

5.—(1) Subject to paragraph (2), the Special Sergeants' Branch Board in any division shall consist of three members.

(2) Where the number of Special Sergeants in any division exceeds five, the membership of the Branch Board for that rank in that division shall be increased by one member for each additional five members of that rank in that division.

Special
Corporals'
Branch
Board.

6.—(1) Subject to paragraph (2), the Special Corporals' Branch Board in each division shall consist of three members.

(2) Where the number of Special Corporals in any division exceeds five, the membership of the Branch Board for that rank in that division shall be increased by one member for each additional five members of that rank in that division.

Special
Constables'
Branch
Board.

7.—(1) Subject to paragraph (2), the Special Constables' Branch Board in each division shall consist of five members.

(2) Where the number of Special Constables in any division exceeds thirty, the membership of the Branch Board for that rank in that division shall be increased by one member for each additional fifty members of that rank in that division.

Right to
vote.

8. Subject to rules 5 (2), 6 (2) and 7 (2)—

(a) every Special Inspector shall have the right to vote at the election of the Branch Board for Special Inspectors;

- (b) every Special Sergeant and every Special Corporal shall, respectively, have the right to vote at the election of the Branch Board for each of those ranks for the division to which the Special Sergeant or the Special Corporal belongs;
- (c) every Special Constable shall have the right to vote at the election of the Branch Board for Special Constables for the division to which such Special Constable belongs.

9.—(1) The elections shall take place annually in the month of January and the annual meeting of all Boards shall be held not later than the 28th day of February. Elections.

(2) The Minister may, after consultation with the Association, vary the period specified in paragraph (1).

10. Subject to rule 15, the members of each Board shall at the annual meeting elect a delegate or delegates to the Central Conference as hereinafter provided. Delegates.

11. Subject as aforesaid, the three Branch Boards in any division or any two of them may by agreement sit together as one Board either for any special purpose or regularly for purposes of common interest. Joint meetings.

12. A Branch Board may, in addition to submitting any representation to the officer in charge of the Division in which the Board is constituted, submit it to the Commissioner of Police. Representation.

13.—(1) The Central Conference of each rank shall be held twice in each year in the months of March and September. Central Conference.

(2) The Minister may, after consultation with the Association, vary the dates specified in paragraph (1).

14.—(1) Except as otherwise provided in rule 15 each Conference shall consist of delegates elected by members of the Branch Boards of corresponding rank of all divisions in the proportion of one delegate for each three members of each Branch Board, so, however, that each Branch Board shall be represented by at least one delegate. Constitution of Conference.

(2) Every delegate shall be a member of the Branch Board which he represents.

15. The Special Inspectors' Branch Board shall be deemed to be the Special Inspectors' Conference. Special provision for Inspectors.

16. The members of each Conference shall at the first Conference of the year elect from amongst their number, two members to represent them upon the Central Committee. Central Committee.

Representations by Central Committee.

17. Each Central Conference or the Central Committee may submit representations in writing to the Commissioner of Police and to the Minister and shall consider and report upon any matters referred to them by the Commissioner of Police or the Minister and a copy of any such representations or report, as the case may be, shall be sent to the Chairman of the Police Service Commission.

Elections to be by ballot.

18. All elections shall be by secret ballot.

Elector to give only one vote to any candidate.

19. At any election under these Rules each elector may give one vote and no more for each of any number of candidates not exceeding the number to be elected.

Branch Boards and Central Committee to make regulations for elections.

20. Subject to the provisions of these Rules, each Branch Board may make regulations as to the mode of election of the members of the Board and of the delegates to the Central Conference returned by the Board, and as to the filling of casual vacancies occurring amongst such members and delegates, and the Central Committee may make regulations as to the mode of election of the members thereof by the Central Conference and as to the filling of casual vacancies occurring amongst the members of the Committee: Provided that, in the case of the first elections, regulations as to the elections shall, subject as aforesaid, be made by the Minister.

Officers.

21. Each Branch Board, Central Conference and the Central Committee shall choose its Chairman and the Secretary from among its own members.

Chairman to have casting vote.

22. The Chairman at any meeting of a Branch Board, Central Conference or the Central Committee at which he is present shall have a second or casting vote.

Power of Branch Boards, Conference and Committee to regulate their own procedure.

23. Subject to the provisions of these Rules, every Branch Board, Central Conference or the Central Committee may regulate their own procedure, including the appointment of committees or sub-committees: Provided that the first meeting of the several Boards, Conferences, and of the Committee, shall be convened in such manner, and the procedure to be followed thereat shall be such, as the Commissioner of Police may direct.

Meetings.

24.—(1) Branch Boards may hold four quarterly meetings (including the annual meeting), each lasting one day, but additional meetings for any special purpose may be held with the consent of the Commissioner of Police.

(2) The half-yearly meetings of the Central Conferences shall not last more than two days.

(3) The Central Committee may hold meetings twice in each year, each lasting one day, but additional meetings for special purposes may be held with the consent of the Commissioner of Police.

25. Except where, in special circumstances, a member of the Force is required for duty for which no substitute is available, leave shall be given for attendance at all such meetings duly held and every such attendance shall, as regards allowances and expenses, be deemed to be an occasion of police duty. Facilities
for
meetings.

26.—(1) Every person in attendance at a polling station or other place of voting shall maintain and aid in maintaining the secrecy of the voting in such station or place, and shall not communicate, except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or other means of identification of any elector who has or has not applied for a ballot paper or voted at that station or place. Provisions
for
ensuring
secrecy.

(2) No person shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station or other place of voting information as to the candidate for whom any voter in such station or place is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station or other place of voting as to the candidate for whom any voter in such station or place is about to vote or has voted.

(3) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(4) No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(5) Every person who acts in contravention of the provisions of this rule shall be liable on summary conviction before a Resident Magistrate to imprisonment for a term not exceeding six months with or without hard labour.

FIFTH SCHEDULE

[Deleted by Act 24 of 2017, 3rd. Sch.]