

candidate shall not after the expiry of that time sit or vote in the Legislative Assembly until the return and declaration has been delivered and if he sits or votes in contravention of this subsection he shall forfeit \$500 for every day on which he sits or votes.

(2) Civil proceedings for the penalty under this section shall be commenced within one year beginning with the day on which the penalty is alleged to have been incurred.

53H. In this part of this Law-

“election expenses” means expenses incurred whether before during or after the election, on account of or in respect of the conduct or management of the election; and

“candidate” means a person who is elected to serve on the Legislative Assembly at an election or a person who is nominated as a candidate at an election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ is issued.”

Passed by the Legislative Assembly the 18th day of July, 1996.

Sybil McLaughlin

Speaker.

Georgette Myrie

Clerk of the Legislative Assembly.

CAYMAN ISLANDS



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**THE ELECTIONS (AMENDMENT) (ELECTION EXPENSES) LAW, 1996
(LAW 12 OF 1996)**

respect of the conduct or management of the election, which shall exceed in aggregate \$10,000 and a candidate knowingly acting in contravention of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.

53E. (1) Every claim against a candidate in respect of election expenses which is not sent to him within 21 days after the date on which the result of the election is declared shall be barred and not paid.

Time for sending in and paying claims

(2) All election expenses shall be paid within 28 days after the date on which the result of the election is declared.

(3) A candidate who pays a claim in contravention of subsection (1) or who makes a payment in contravention of subsection (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.

53F. (1) Within 35 days after the date on which the election is declared, every candidate shall deliver to the Supervisor a true return in the form requested by the Supervisor containing a statement of all payments made or received by or on behalf of the candidate.

Return as to election expenses

(2) The return shall be accompanied by a declaration by the candidate that to the best of his knowledge and belief all election expenses shown in the return were paid by him, that he has not incurred any election expenses not mentioned in the return, and that he has not received, either directly or indirectly, any contribution to his election expenses not mentioned in the return.

(3) Any person who knowingly makes a false or incorrect return shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.

53G. (1) If, in the case of any candidate, the return and declaration as to election expenses are not delivered before the expiry of the period limited for that purpose, that

Penalty for sitting or voting where no return and declarations transmitted

(b) the return shall be accompanied by a declaration made by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matter for which the expenses were incurred.

(3) The return and declaration under subsection (2) shall be in such form as may be required by the Supervisor, and the authority received from the Candidate shall be annexed to the return.

(4) If a person-

- (a) incurs, or aids, abets, counsels or procures any other person to incur any expenses in contravention of this section; or
- (b) knowingly makes the declaration required by subsection (2) falsely,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.

(5) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence under this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves-

- (a) that the act or omission took place without his consent or connivance; and
- (b) that he exercised all due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Limitation of election expenses

53D. No sum shall be paid and no expense shall be incurred by a candidate at an election, less than 110 days before, or during or after an election, on account or in

CAYMAN ISLANDS

Law 12 of 1996

I assent

JOHN OWEN

Governor

7th October, 1996

**A LAW TO AMEND THE ELECTIONS LAW
(1995 REVISION)**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Elections (Amendment) (Election Expenses) Law, 1996. Short title

2. The Elections Law (1995 Revision) is amended by adding after section 53 the following sections- Added provisions

“Part IIIA Election Expenses

53A. (1) No payment, advance or deposit shall be made at any time in respect of a candidate’s election expenses otherwise than by or through that candidate. Payment of Expenses

(2) Every payment made by a candidate in respect of any election expenses shall, except where it is less than \$25, be vouched for by a bill stating the particulars and by a receipt.

(3) All money provided by any person other than the candidate for any election expenses, whether as gift, loan, advance or deposit, shall be paid to the candidate and not otherwise.

(4) A person shall not provide either directly or indirectly to a candidate for his election expenses by way of gift, loan, advance or deposit, an amount in respect of each election greater than \$2,000.

(5) The foregoing provisions of this section shall not be deemed to apply to any sum less than \$5 disbursed by any person other than the candidate out of his own money for any small expense legally incurred by that person if the sum is not repaid to that person.

(6) A person who issues any payment, advance or deposit in contravention of subsection (1) or who pays in contravention of subsections (3) or (4) any money so provided as mentioned above, shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.

(7) A candidate shall not accept in respect of a single election either directly or indirectly through a nominee, committee or other organisation, by way of gift, loan, advance or deposit, monetary contributions to his election expenses which exceed in total the limit of his election expenses permitted under section 53D, and any candidate acting in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.

Petty expenses

53B. (1) Any person may, if so authorised in writing by the candidate, pay any necessary expenses for stationery, postage and other petty expenses, to a total not exceeding that provided in the authorisation.

(2) A statement of the particulars of payments made by any person so authorised shall be sent to the candidate within 21 days after the day on which the result of the

election is declared and shall be accounted for by a bill containing that person's receipt.

53C. (1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate or persons authorised in writing by the candidate on account-

Prohibition of expenses not authorised by candidate

- (a) of holding public meetings or organising any public display; or
- (b) of issuing advertisements, circulars or publications; or
- (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate.

but paragraph (c) of this subsection shall not-

- (i) restrict the publication of any matter relating to the election in a newspaper or other periodical or in a broadcast made by any licensed television or radio broadcasting organisation in the Islands or in a programme included in a satellite or cable programme service that does not have to be licensed; or
- (ii) apply to any expenses not exceeding in the aggregate \$10 which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others.

(2) Where a person incurs any expenses required by this section to be authorised by the candidate-

- (a) that person shall, within 21 days after the date on which the result of the election is declared, deliver to the Supervisor a return of the account of those expenses stating the candidate in whose support they were incurred and