

ELECTIONS (CONTROL OF MOTOR VEHICLES AND VESSELS) REGULATIONS 1959

ARRANGEMENT OF REGULATIONS

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ELECTIONS (CONTROL OF MOTOR VEHICLES AND VESSELS) REGULATIONS 1959*

In exercise of the powers conferred by section 16 of the Elections Ordinance, 1958, the Election Commission with the approval of the Yang di-Pertuan Agong hereby makes the following regulations:

1. Citation.

These Regulations may be cited as the **Elections (Control of Motor Vehicles and Vessels) Regulations 1959**.

2. Interpretation.

In these Regulations,

- (a) the expressions "let" and "hire" include letting and hiring for a reward of any kind;
- (b) the expression "motor vehicle" means any mechanically propelled vehicle constructed or adapted for use on roads;
- (c) the expression "private motor" means a motor vehicle licensed as a private passenger vehicle under any law for the time being in force regulating the licensing of motor vehicles;
- (d) the expression "vessel" includes floating craft of every description, but does not include any craft used in the operation of any ferry licenced by or under the control of any public authority;
- (e) the expression "member of the same household" includes a visitor spending the night before or after the day of the poll in the same dwelling house and a person employed by a member of the household at the dwelling house unless so employed exclusively for the purpose of that member's trade, profession or business.

3. Use of motor vehicles and vessels, at elections.

Subject to the provisions of these Regulations, a person shall not with a view to supporting or opposing the candidature of any individual as against any other or others at any election let, lend or employ, or hire, borrow or use any motor vehicle or vessel for the purpose of the conveyance of electors to or from the poll, and a person knowingly acting in contravention of this regulation shall be deemed to be guilty of an illegal practice for the purposes of the Election Offences Ordinance 1954.

4. Exceptions.

Nothing in these Regulations shall—

- (a) prevent any person using his own motor vehicle or vessel for the purpose of conveying to or from the poll himself or any member of the same household, or borrowing a motor vehicle or vessel from a member of the same household to be used for that purpose; or
- (b) prevent a candidate at an election or some person on his behalf using the candidate's own private motor vehicle or vessel for the purpose of conveying any person to or from the poll in the constituency for which he is a candidate if the conditions mentioned in regulation 5 are complied with, or borrowing a private motor vehicle or vessel to be used for that purpose from any person; or
- (c) prevent a motor vehicle or vessel being let to, or hired, employed, or used by an elector or voter or several electors or voters at their joint cost for the purpose of being conveyed to or from the poll; or
- (d) prevent any employer using his own motor vehicle or vessel which is normally and lawfully used for the carriage of his employees in connection with his business for the purpose of conveying to or from the poll his employees and members of their household; or
- (e) prevent a person lending or using a motor vehicle or vessel in a case in which it is lawfully borrowed or used by virtue of the foregoing provisions of this regulation.

5. Conditions of use of private motor vehicles and vessels at elections.

The conditions under which a private motor vehicle or vessel may be used or borrowed under paragraph (b) of the last foregoing regulation by or on behalf of a candidate are the following:

- (a) the vehicle or vessel shall be registered with the returning officer in the manner prescribed by Regulation 6 of these Regulations and there shall be prominently displayed thereon a placard supplied by the returning officer indicating that it is so registered; and
- (b) the number of private motor vehicle and vessels so used or borrowed shall not exceed five of each for any one polling station:

Provided that an additional motor vehicle and vessel may be used or borrowed in respect of every two hundred registered electors in excess of one thousand assigned to a polling station by the Supervisor of Elections; and

- (c) any private motor vehicle or vessel so registered shall be used for the purpose of carrying persons to or from the polling station only for which it is registered.

6. Registration of private motor vehicles and vessels.

(1) For the purpose of registering with the returning officer a private motor vehicle or vessel for conveying electors to the poll the candidate or

his election agent shall send to the returning officer so as to be received by him at least seven days before the day of the poll a notice stating the index mark and registration number of the vehicle in the case of a motor vehicle and the name of the owner and description of the vessel in the cases of a vessel, and the name of the polling station to which it will convey electors and that the candidate desires it to be registered.

(2) The returning officer shall register the vehicle or vessel by entering its index mark and registration number in the case of a motor vehicle and the name of the owner and description of the vessel in the case of a vessel and the name of the polling station to which it will convey electors in a register (hereinafter referred to as the "register of vehicles and vessels") under the name of the candidate.

Provided that the returning officer may at his discretion refuse to register or may cancel the registration of any vehicle or vessel until satisfied that such vehicle or vessel will not be used in breach of any term or condition of any licence issued in respect of such vehicle or vessel pursuant to any written law.

(3) There shall be a separate part of the said register for each candidate, and motor vehicles and vessels will be listed separately in each part.

(4) The returning officer shall, so long as he retains the said register, make available for inspection at his office a copy thereof—

(a) on any day except the day of the poll, during ordinary business hours; and

(b) on the day of the poll, during the hours of poll.

(5) The returning officer shall retain the said register for six months from the day of the poll and shall then destroy it.

7. Continued application of other written laws.

Nothing in these Regulations shall be deemed to permit the doing of any act prohibited by or under the Election Offences Ordinance 1954, or any written law.

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8. Breach of licence.

Any person who, with a view to supporting or opposing the candidature of any individual as against any other or others at any election, uses or abets the use of any motor vehicle or vessel in manner which is in breach of any term or condition of any licence issued in respect of that vehicle or vessel pursuant to any written law shall be guilty of an offence and a person knowingly acting in contravention of this regulation shall be deemed to be guilty of an illegal practice for the purpose of the Election Offences Ordinance 1954.

9. Penalty.

(1) Any person who commits a breach of, or fails to comply with, any of the provisions of these Regulations shall be guilty of an offence.

(2) Any person who is guilty of an offence against these Regulations shall, on conviction thereof, be liable to a fine not exceeding five hundred dollars.

10. Sanction of Public Prosecutor.

A prosecution for an offence against these Regulations shall not be instituted without the sanction of the Public Prosecutor.

Date this 27th day of February, 1959.

By order of Election Commission,

G.W. ROTHERY,
Secretary, Election Commission