



Victoria Treadell

Enacted by the Governor of the Islands
of Pitcairn, Henderson, Ducie and Oeno

LOCAL GOVERNMENT AMENDMENT ORDINANCE 2013

DATE MADE: 16 August 2013

DATE PUBLISHED: 19 August 2013

An Ordinance to amend the Local Government Ordinance

Title and commencement	1. This Ordinance may be cited as the Local Government Amendment Ordinance 2013 and shall come into force on the day after it is published.
Section 3 Amended	2.-(1) Section 3(2) of the Local Government Ordinance is hereby amended by: (a) inserting "(a)" before the phrase "sentenced to imprisonment"; and (b) after "Commonwealth", inserting "; or (b) recalled to continue serving a sentence of imprisonment in a penal institution;". (2) Section 3(3) of the Local Government Ordinance is hereby amended by

deleting the phrase that begins with “: Provided that if any Island Officer” and ends with “such period of six months”

(3) New subsections (3A) and (3B) are inserted into section 3 of the Local Government Ordinance as follows:

“(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.”

Section 4 Amended 3.–(1) Section 4(1) of the Local Government Ordinance is hereby amended by:

(a) omitting the words “December 1987 inclusive and thereafter between the first and fifteenth days of December inclusive in every third succeeding year” and inserting the words “November inclusive in every election year” in their place; and

(b) deleting the words “and be eligible for re-election”.

(2) Section 4(2) of the Local Government Ordinance is hereby repealed and the following subsection inserted in its place:

“(2) If—

(a) any vacancy occurs in the office of Mayor by reason of the death, resignation, permanent absence from the Islands or permanent incapacity of the Mayor to perform his or her duties; and

(b) at the time the vacancy occurs the unexpired period of the Mayor’s term of office is less than 120 days—

the Deputy Mayor shall succeed to the office of Mayor and shall be deemed to have been elected to such office for that unexpired period.”

(3) Section 4(4) of the Local Government Ordinance is hereby amended by:

(a) omitting the words “(other than the Mayor)”.

Section 5 Amended 4.–(1) Section 5(1) of the Local Government Ordinance is hereby amended

by:

(a) omitting the word "December" and inserting the word "November" in its place.

(2) Section 5(2) of the Local Government Ordinance is hereby amended by omitting the phrase "until the next succeeding 31st day of December" and replacing it with "for two years ending on the 31st day of December".

(3) Section 5(3) of the Local Government Ordinance is hereby repealed.

(4) Section 5(4) of the Local Government Ordinance is hereby amended by omitting the words "such suitable person as it sees fit" and replacing them with "a person in accordance with subsection (4A)".

(5) A new subsection (4A) is inserted into section 5 of the Local Government Ordinance as follows:

"(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."

Section 10A
Amended

5. Section 10A(a) of the Local Government Ordinance is hereby amended by:

(a) omitting the words "six months in any year" and inserting the words "seven months in a twelve month period" in their place.

Section 11
Amended

6. Section 11(a) of the Local Government Ordinance is hereby repealed, with the following subsection inserted in its place:

"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;"

Section 12
Amended

7. Section 12 of the Local Government Ordinance is hereby amended by:

(a) omitting the word "October" where it appears in subsection (1) and inserting the word "September" in its place; and

(b) omitting the word "November" at each place in which it appears in subsection (1) and subsection (2) and inserting the word "October" in its place.

Section 13
Amended

8. Section 13(1) of the Local Government Ordinance is hereby amended by:

(a) omitting the word "November" and inserting the word "October" in its place; and

(b) omitting the word "December" and inserting the word "November" in its place; and

(c) omitting the word "ten" and inserting the number "17" in its place.

Section 14
Replaced

9. Section 14 of the Local Government Ordinance is hereby repealed, with the following section inserted in its place:

"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."

Section 15
Replaced

10. Section 15 of the Local Government Ordinance is hereby repealed, with the following section inserted in its place:

"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.

References to the
Recorder amended

11. (1) Section 16(5) of the Local Government Ordinance is hereby

amended by:

(a) omitting the words "appoint a suitable person, to be known as the Recorder" and inserting the words "appoint two suitable people, who do not appear on the electoral roll, to be known as Recorders" in their place.

(b) omitting the words "as soon as practicable after the public meeting held under the provisions of Section 15 of this Ordinance" and inserting the words "as soon as possible after publication by the Island Secretary of the list of candidates nominated for election as required by section 15(4)" in their place.

(2) The definition of "Recorder" in section 2 of the Local Government Ordinance is hereby amended by omitting the word "the" where it occurs in the phrase "the person", and inserting the word "a" in its place.

(3) The Local Government Ordinance is hereby amended by:

(a) omitting the word "the" in each place in which it occurs in the phrase "the Recorder" in sections 16(6), 16(8), 17(c) and 18(h), and inserting the word "a" in its place; and

(b) omitting the word "Recorder" in each place in which it occurs in sections 16(9), 16(10), 18(g), 24(1), 26(4), and 28, and inserting the word "Recorders" in its place.

(4) Section 37(7) of the Local Government Ordinance is hereby amended by:

(a) omitting the word "Recorder" where it occurs in the phrase "the Recorder at the new election", and inserting the word "Recorders" in its place; and

(b) omitting the phrase "person who was Recorder", and inserting the phrase "persons who were Recorders" in its place; and

(c) omitting the phrase "the Recorder" where it occurs in the phrase "the Recorder shall be appointed", and inserting the phrase "a new Recorder or Recorders" in its place.

Section 18
Amended

12. Section 18(1) of the Local Government Ordinance is hereby amended by omitting the word "November" and inserting the word "October" in its place.

Section 19
Amended

13. Section 19(1) of the Local Government Ordinance is hereby amended by:

(a) omitting the word "October" where it appears in paragraph (b) and inserting the word "September" in its place.

Section 26
Amended

14.-(1) Section 26(1) of the Local Government Ordinance is amended by:

(a) inserting the phrase "Subject to subsection (1A)," at the beginning of the subsection; and

(b) omitting the words "the electoral officer" and inserting the words "a Recorder" in their place.

(2) A new subsection (1A) is inserted into section 26 of the Local Government Ordinance as follows:

"(1A) If the Island Magistrate is a candidate in the election, a candidate may instead apply to the Governor's Representative 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 Governor's Representative."