

## **DOMINICA LEGAL ANNEX**

### **REVIEWED LAWS:**

- Constitution (1978, revised 1984)
- HOUSE OF ASSEMBLY (ELECTIONS) ACT
- Standing Orders of the House of Assembly, 1986
- HOUSE OF ASSEMBLY (ELECTION) REGULATIONS\*
- Integrity of Public Office Act (Passed in 2003, not in effect as of June 2008)

(\*) Law(s) reviewed but not containing relevant articles for this study.

### **RELEVANT ARTICLES:**

#### **CONSTITUTION**

#### **Disqualifications for Representatives and Senators.**

**32.-**

1. A person shall not be qualified to be elected or appointed as a Representative or Senator (hereinafter in this section referred to as a member) if he-
  - a. is by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
  - b. is a minister of religion;
  - c. is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Dominica;
  - d. is under sentence of death imposed on him by a court of law in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;
  - e. subject to such exceptions and limitations as may be prescribed by Parliament, has an interest in any government contract and has not, within seven days of his nomination as a candidate for election or, as the case may be, at least seven days before the date of his prospective appointment, disclosed the nature of the contract and of his interest therein by means of a notice published in the Official Gazette and in a daily or weekly newspaper circulating in Dominica; or
  - f. holds or is acting in the office of President.
2. If it is so provided by Parliament, a person shall not be qualified to be elected or appointed as a member if he holds or is acting in any office that is specified by Parliament and the functions of which involve responsibility for, or in connection with, the conduct of any election of members or the compilation of any register of votes for the purpose of electing Representatives.
3. If it is so provided by Parliament, a person who is convicted by any court of law of any offence that is prescribed by Parliament and that is connected with the

- election of member or who is reported guilty of such an offence by the court trying and election petition shall not be qualified, for such period (not exceeding seven years) following his conviction or, as the case may be, following the report of the court as may be so prescribed, to be elected or appointed as a member.
4. A person shall not be qualified to be elected as a Representative if he is a Senator or is nominated for election as a Senator; and a person shall not be qualified to be appointed or elected as a Senator if he is a Representative or is nominated for election as a Representative.
  5. If it is so provided by Parliament and subject to such exceptions and limitations (if any) as Parliament may prescribe, a person shall not be qualified to be elected or appointed as a member if-
    - a. he holds or is acting in any office or appointment (whether specified individually or by reference to a class of office or appointment);
    - b. he belongs to any of the armed forces of Dominica or to any class of person that is comprised in any such force; or
    - c. he belongs to any police force or to any class of person that is comprised in any such force.
  6. In subsection (1) of this section-

"government contract" means any contract made with the Government or with a department of the Government or with an officer of the Government contracting as such; "minister of religion" means any person in holy orders and any other person the functions of whose principal occupation include teaching or preaching in any congregation for religious worship.
  7. For the purposes of paragraph (e) of subsection (1) of this section-
    - a. two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and
    - 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.

**HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)**  
(Section 15)

**STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE  
FOR ELECTION AS A MEMBER OF THE HOUSE OF ASSEMBLY**

8. I am not a party to or a partner in any firm or a director or manager of any company which is a part to any contract with the State for or on account of the public service. \* I am a party to \*/a partner in a firm \*/a director of a company \*/a manager of a company \*/which is party to a contract with the State for or on

account of the public service and have published in the English language in the Gazette and in a newspaper circulating in the constituency a notice setting out the nature of such a contract and \*my interest, \*the interest of my firm \*company therein.

#### STANDING ORDERS OF THE HOUSE OF ASSEMBLY, 1986

**H 52.**—(1) A Member shall not move any motion or amendment relating to a matter in which he has direct personal pecuniary interest or speak on any such matter, whether in the House or in any committee, without disclosing the nature of that interest, and shall in no circumstances vote on any such matter.

Personal  
Pecuniary  
interest.

(2) A motion to disallow a Member's vote on the ground of personal pecuniary interest shall be moved only as soon as the numbers of the members voting on the question shall have been declared.

(3) The Speaker or Chairman shall have discretion whether or not to propose the question upon such a motion, and in exercising such discretion shall have regard to the character of the question upon which the division was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the citizens of this Territory or whether his vote was given on a matter of State policy.