

## CHAPTER 6

### APPEALS

#### **PART I : APPEALS AGAINST RESULT OF AN ELECTION**

6.1 A person claiming to be a candidate at an EC subsector election may appeal to a Revising Officer against the result of that election by lodging an appeal in the form of an appeal notice. The appeal notice may be lodged only on the ground that the person declared by the RO in accordance with the regulations in force under the EACO to have been elected as a member of the EC at that election was not duly elected because:

- (a) the person was not eligible to be, or was disqualified from being, a candidate at the election; or
- (b) material irregularities occurred in relation to the election, to the poll or the count.

6.2 The appeal notice may be lodged only during the period of 7 days following the date on which the RO has published in the Gazette the result being appealed against and such notice must reach the Revising Officer on a date not later than the last day of such period.

[S 39 of the Schedule to the CEEO and s 3 of the EC (Appeals) Reg.]

**PART II : APPEALS IN RELATION TO REGISTRATION OF  
NOMINEES OF RELIGIOUS SUBSECTOR DECLARED BY  
THE RO AS MEMBERS OF THE EC**

6.3 A person who considers that a declared member is not eligible to be registered as a member of the EC on the ground that –

- (a) the declared member was not eligible to be selected as, or was disqualified from being, a nominee;
- (b) material irregularities occurred in relation to the process of nomination;
- (c) material irregularities occurred in relation to the determination of the RO as to the validity of the nomination of the declared member; or
- (d) material irregularities occurred in relation to the determination of the RO under s 7(6) of the Schedule to the CEEO,

may object to the registration of the declared member as a member of the EC in the IR or the FR, as the case may be<sup>4</sup>, and request the Revising Officer to determine whether some other nominee nominated by the designated body concerned (of the religious subsector) should be declared and registered as an EC member instead, by submitting a written representation to the Revising Officer during the period of 7 days following the date of the publication of the IR or the FR. Such written representation must reach the Revising Officer on a date not later than the last day of such period. [S 4 of the EC (Appeals) Reg.]  
*[Amended in September 2006]*

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<sup>4</sup> IR in the case of a subsector ordinary election, and FR in the case of a subsector by-election.

### **PART III : HEARING OF APPEAL AND RULING OF REVISING OFFICER**

6.4 When the Revising Officer receives an appeal notice or a written representation, as the case may be, he will, as soon as practicable, arrange to hold a hearing. At the hearing, the appellant is entitled to appear in person and to be represented by a legal practitioner or any other person authorised by the appellant. At the end of a hearing, the Revising Officer shall determine whether the person whose election is questioned was or was not duly elected or whether the declared member concerned should have been registered as a member of the EC. The determination of the Revising Officer on such an appeal is final. Moreover the Revising Officer may review any ruling made and for that purpose, may rehear the matter and reverse or confirm his previous ruling. The Revising Officer will direct the ERO to amend the IR or the FR, as the case may be<sup>5</sup>, after the hearings. [S 39 of the Schedule to the CEEO and ss 3 to 10 of the EC (Appeals) Reg.] *[Amended in September 2006]*

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<sup>5</sup> IR in the case of a subsector ordinary election, and FR in the case of a subsector by-election.