

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: National Health Service (Scotland) Act 1978, Cross Heading: Conduct of election is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 1A

#### HEALTH BOARD ELECTIONS

##### Textual Amendments

- F1** Sch. 1A inserted (temp. from 24.6.2009 for certain purposes and otherwise prosp.) by Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), ss. 2(3), 4, 6(2)(3), 7, 11(1); S.S.I. 2009/242, art. 2

##### *Conduct of election*

- 4 (1) Election regulations must appoint an individual as the returning officer for each ward in which a Health Board election is to be held.
- (2) Election regulations may make provision about—
- (a) the tenure and vacation of office of a returning officer,
  - (b) the functions of a returning officer,
  - (c) a returning officer's fees and expenses,
  - (d) any other matters relating to returning officers that the Scottish Ministers consider appropriate.
- 5 (1) The nomination of a candidate must be made—
- (a) within the period specified in election regulations (the “nomination period”), and
  - (b) in accordance with any other requirement made in those regulations.
- (2) A candidate may withdraw from a Health Board election at any time before the end of the nomination period.
- 6 If, at the end of the nomination period, the number of nominated candidates in an electoral ward is equal to or less than the number of elected members to be elected for that ward—
- (a) the Health Board election is not to be held in the ward, and
  - (b) on the day on which the election was to be held the returning officer must—
    - (i) declare the nominated candidates (if any) to be deemed to have been elected as elected members for the ward, and
    - (ii) if the number of nominated candidates is less than the number of elected members to be elected for the ward, declare the number of vacancies in the ward.
- 7 (1) In any other case, the elected members are to be elected for the electoral ward at a poll held in accordance with this paragraph.
- (2) At the poll, each individual entitled to vote may vote by marking on the ballot paper—

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- (a) the voter's first preference from among the candidates, and
  - (b) if the voter wishes to express a further preference for one or more candidates, the voter's second and, if the voter wishes, subsequent preferences from among those candidates.
- (3) Election regulations must, in particular, make provision about—
- (a) the manner in which and period during which votes may be cast,
  - (b) the form and content of ballot papers,
  - (c) the manner in which the number of votes which will secure the return of a candidate as an elected member is to be calculated,
  - (d) the procedure for counting votes,
  - (e) the declaration of the result of the poll.]

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