
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the arrangements for Health Board elections.

The areas for which Fife and Dumfries and Galloway Health Boards are constituted are the areas in which the Health Board election pilot scheme, for the purposes of section 4 of the Health Boards (Membership and Elections) (Scotland) Act 2009 (“the 2009 Act”), will be conducted. Sections 1 to 3 of the 2009 Act came into force for the areas of the specified Health Boards on 24th June 2009 (S.S.I. 2009/242).

Regulation 2 contains definitions.

Regulation 3 stipulates the date of the first election in those Health Board areas.

Regulation 4 introduces the Schedule containing rules applying to Health Board elections.

Regulation 5 defines “unelected candidate”. By virtue of paragraph 11 of Schedule 1A to the National Health Service (Scotland) Act 1978 (as inserted by section 2(3) of the 2009 Act) if a returning officer declares a vacancy in an electoral ward or an elected member vacates office early, Scottish Ministers may direct the Health Board to fill the vacancy with an unelected candidate.

Regulation 6 applies the procedures introduced by Part 3 of the Representation of the People Act 1983 in relation to legal proceedings to Health Board elections with appropriate modifications.

Rule 1 in the Schedule sets out the timetable according to which a Health Board election must be conducted.

Rule 2 designates that the returning officer for Health Board elections is the returning officer for the local government area in which the larger number of the population of the Health Board area resides.

Rule 3 provides for the payment of expenses and, if considered appropriate, a fee to the returning officer.

Rule 4 requires the returning officer to publish an election notice for each Health Board election.

Rule 5 prescribes the eligibility criteria for voters at a Health Board election. Eligibility is based on registration in a register of local government electors.

Rules 7 and 8 establish procedures for absent voting.

Rule 6 designates the registration officers for each local government area within a Health Board area as the relevant registration officers for that Health Board area.

Rule 9 imposes a duty upon each relevant registration officer to supply to the returning officer extract copies of the absent voters list and the register of local government electors containing details of those entitled to vote in a Health Board election.

Rules 10 and 11 detail the eligibility criteria for candidates at a Health Board election.

Rules 12 to 19 specify the procedures relating to the nomination of candidates.

Rule 20 sets out the procedure for appointing counting agents.

Rules 21 to 25 set out arrangements for the issue of voting packs and the form of ballot papers.

Rules 26 to 30 set out arrangements for the casting of votes in a Health Board election.

Rules 31 to 48 sets out arrangements for the receipt of ballot papers (rule 31) and for the counting of ballot papers.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rules 49 and 50 detail the procedure for the declaration of the result of a Health Board election.

Rules 51 to 54 detail the procedures for dealing with documents relating to a Health Board election.

Rules 55 and 56 set out provisions relating to candidates' election expenses.

Rule 57 details the rules which apply when a candidate for a Health Board election becomes ineligible after the end of the nomination period.