Status: Point in time view as at 27/09/2005. This version of this schedule contains provisions that are not valid for this point in time. Changes to legislation: National Health Service (Scotland) Act 1978, SCHEDULE 1A is up to date with all changes known to be in force on or before 22 July 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

(introduced by section 2(10A))

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

#### HEALTH BOARD ELECTIONS

#### **Textual Amendments**

1

3

**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

#### Health Board elections

An election held under this Schedule is known as a "Health Board election".

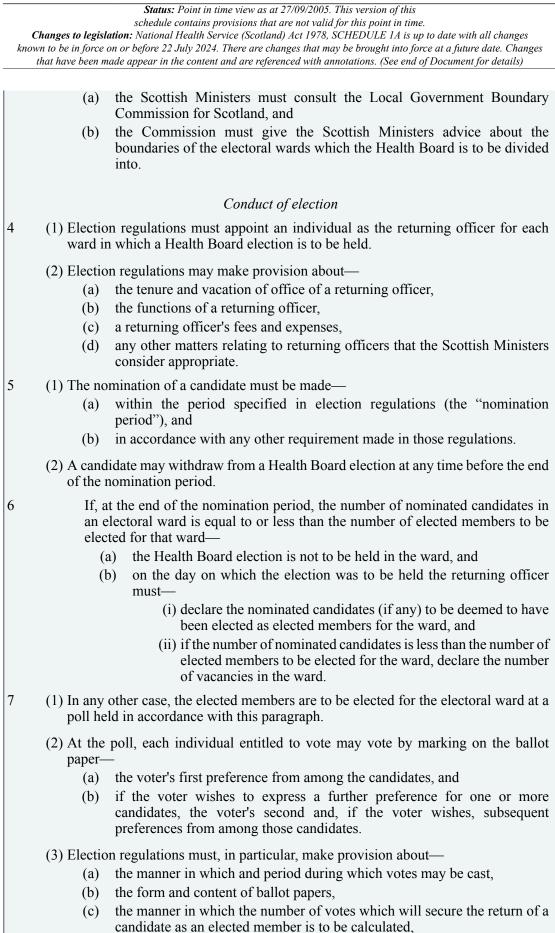
#### Timing of Health Board elections

- 2 (1) A Health Board must hold the first Health Board election in the Health Board area on the day specified in election regulations.
  - (2) Election regulations may specify different days for the first election in different Health Board areas.
  - (3) A Health Board must hold subsequent Health Board elections on the first Thursday falling after the end of the period of 4 years beginning with the day of the previous election.
  - (4) But a Health Board election may be held in a Health Board area before the day specified in sub-paragraph (3) if the Scottish Ministers make an order under section 77 specifying the date of a Health Board election in that area.

#### Electoral wards

- (1) Each Health Board area is to be comprised of a single electoral ward unless election regulations specify that a Health Board area is to be divided into more than one ward.
  - (2) If regulations specify such a division they must also specify—
    - (a) the number of electoral wards in the Health Board area,
      - (b) the boundaries of those wards, and
      - (c) the number of elected members to be elected in each ward.

#### (3) Before regulations specifying such a division are made—



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- (d) the procedure for counting votes,
- (e) the declaration of the result of the poll.

#### Candidates

- 8 (1) An individual is disqualified from being a candidate in a Health Board election if the individual is—
  - (a) a member of the European Parliament,
  - (b) a member of the House of Commons,
  - (c) a member of the House of Lords,
  - (d) a member of the Scottish Parliament, or
  - (e) a local authority councillor.

(2) Election regulations may make further provision about—

- (a) who is qualified to be a candidate in a Health Board election, and
- (b) the circumstances in which an individual may be disqualified from being a candidate,

and, in particular, may disqualify from being a candidate an individual holding a post set out in a list of restricted posts maintained by the Health Board concerned for that purpose.

#### Franchise

- 9 (1) An individual is entitled to vote at a Health Board election if the individual—
  - (a) is aged 16 or over, and
  - (b) meets any further criteria specified in election regulations.
  - (2) Such further criteria may, in particular, provide that an individual is entitled to vote at a Health Board election only if the individual—
    - (a) is registered in the register of local government electors in respect of an address in the Health Board area, and
    - (b) would be entitled to vote at a local government election in an electoral area falling wholly or partly in the Health Board area (or would be so entitled if aged 18 or over).
  - (3) Election regulations may determine, or set out the criteria for determining, the electoral ward in which an individual is entitled to vote.

#### (4) Election regulations may not entitle an individual to vote—

- (a) more than once in the same Health Board area, nor
- (b) in more than one Health Board area.

#### Election expenses

10

Election regulations may make provision about the expenses which may be incurred by any person in connection with a Health Board election.

#### Vacancies

11 (1) This paragraph applies if—

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(4) In sub-paragraph (3), "enactment" includes an Act of the Scottish Parliament and any instrument made under such an Act.]

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