

1988 No. 158

NURSES, MIDWIVES AND HEALTH VISITORS

**The United Kingdom Central Council for Nursing,
Midwifery and Health Visiting (Electoral Scheme)
(Variation) Order 1988**

Made - - - - - *4th February 1988*

Coming into force - *5th February 1988*

Whereas a draft of the following Order was, in accordance with paragraph 1(4) of Schedule 2 to the Nurses, Midwives and Health Visitors Act 1979(a), laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred upon me by paragraph 1(3) of Schedule 2 to the Nurses, Midwives and Health Visitors Act 1979, I hereby signify my approval to the Nurses, Midwives and Health Visitors (Electoral Scheme) (Variation) Scheme 1988, set out in the Schedule to this Order, which varies the electoral scheme given effect by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (Electoral Scheme) Order 1982(b).

This Order may be cited as the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (Electoral Scheme) (Variation) Order 1988 and shall come into force on the day after the day on which it is made.

Signed by authority of the Secretary of State for Social Services.

Tony Newton
Minister of State,

Department of Health and Social Security

4th February 1988

(a) 1979 c.36.
(b) S.I. 1982/1104.

SCHEDULE

THE UNITED KINGDOM CENTRAL COUNCIL FOR NURSING, MIDWIFERY AND HEALTH VISITING

The Nurses, Midwives and Health Visitors (Electoral Scheme) (Variation) Scheme 1988

The United Kingdom Central Council for Nursing, Midwifery and Health Visiting in exercise of the power in paragraph 1(3) of Schedule 2 to the Nurses, Midwives and Health Visitors Act 1979(a) and of all other powers enabling it in that behalf hereby varies the Scheme given effect by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (Electoral Scheme) Order 1982(b) (hereinafter referred to as "the Scheme") in the manner following:

1. The Scheme shall be amended in accordance with the following provisions of this paragraph.
 - (1) In paragraph 1 (a) (Interpretation) insert after the definition of the word "practising":
 - " "Register" means the Register prepared by the Council in accordance with Section 10(1) of the Act;
 - "Registrar" means the Registrar and Chief Executive of the Council; and"
 - (2) For paragraph 3 (Returning Officer) substitute:
 - "3.(a) The Returning Officer who shall not be a member of the Council or any National Board or any Committee thereof shall be appointed by the Council in consultation with the Boards and the Council will at its discretion provide such funds as appear to the Council to be required for the provision of such staff equipment and all services necessary for the conduct of the election.
 - (b) The Returning Officer shall appoint a Deputy Returning Officer, not being a member of the Council, or of any National Board, or of any Committee thereof, to act for him in the event of his absence or inability to act, and the expression "Returning Officer" in this Scheme includes the Deputy Returning Officer so acting.
 - (c) Subject to the provisions of this Scheme, the Returning Officer shall be responsible for the conduct of the election.
 - (d) The Returning Officer shall seek the advice of the Registrar on all matters relating to confirmation and clarification of the professional standing of voters and/or candidates."
 - (3) For paragraph 5 (Electoral Roll) substitute:
 - "5.(a) There will be one election for each of the four National Boards.
 - (b) The Returning Officer shall cause to be formed an Electoral Roll (hereinafter called "the Electoral Roll") composed subject to paragraph (c) of this Rule of those nurses, midwives and health visitors whose names are on the Register on the 1st February 1988 and whose registration is not ineffective in the manner set out in paragraph (g) of this Rule.
 - (c) Any person whose registration has become ineffective because he has not paid the periodic fee required by virtue of the Nurses, Midwives and Health Visitors (Periodic Registration) Amendment (No. 2) Rules 1986 (c) (hereinafter referred to as "periodic fee") because he is not in paid employment may be admitted by the Returning Officer to the Electoral Roll provided:-
 - (i) the Returning Officer received a signed declaration stating that he is not in paid employment and
 - (ii) his qualifications can be verified by the Council to the Returning Officer.
 - (d) Subject to the provisions relating to persons not living in the United Kingdom, each nurse, midwife and health visitor will be able to take part only in the National Board election in the country in which he lives or works.
 - (e) Individuals who are placed on the Electoral Roll, and who do not live in the United Kingdom, will have to choose the appropriate National Board election according to the home or work address in the United Kingdom from which they departed or to which they intend to return.
 - (f) The Returning Officer shall determine a date by which the Electoral Roll shall be closed and a date by which nominations for election must be received, but the date on which the Electoral Roll shall be closed may be a date subsequent to the date on which nominations for election are sought, but must be before the date by which nominations for election must be received.

(a) 1979 c.36.

(b) S.I. 1982/1104.

(c) S.I. 1986/2294.

- (g) At least two months notice of the formation of the Electoral Roll shall be given stating that all nurses, midwives and health visitors who are registered and whose registration is not ineffective for non-payment of periodic fees will be entered on the Electoral Roll. The notice will invite those nurses, midwives and health visitors whose registrations are ineffective because they have not paid their periodic fee and who are not in paid employment to make an application to the Returning Officer to be entered on the Electoral Roll in accordance with sub-paragraph (c) of this Rule. Notice shall be deemed to have been duly given if advertisements are placed in two or more newspapers circulating in England, Wales, Northern Ireland and Scotland and in such professional journals circulating in England, Wales, Northern Ireland and Scotland and outside the United Kingdom as the Council shall determine.
- (h) Decisions about the eligibility of a person to be admitted to the Electoral Roll will be made by the Returning Officer. Any person who is aggrieved by a decision of the Returning Officer may appeal against that decision to the Appeals Committee.”
- (4) For paragraph 6 (Categories of candidates) substitute:
 “6. There will be three categories of candidates. The categories are practising nurse, practising midwife and practising health visitor. The category of candidate must coincide with his professional field of practice. Where a candidate may be able to stand in more than one category by virtue of his practice the candidate must clearly state the category in which he wishes to stand.”
- (5) For paragraph 7 (Voting categories) substitute:
 “7. The Returning Officer will send out ballot papers to all those entitled to vote. Each individual seeking to vote will be required to choose to vote in one of the Board elections as provided in paragraph (d) or (e) of Rule 5 and those persons eligible to vote in more than one category will have the discretion to opt to vote for candidates in any one of the categories in which they are eligible to vote in the relevant Board election. Subject to Rule 5(e) each person voting must be resident or practising in the country of the National Board for whose candidate they choose to vote and must vote for the category in which they are qualified. No person may vote in more than one Board election nor for more than one category in that election.”
- (6) In paragraph 9 (Nomination)–
- (a) For sub paragraphs (a) and (b) substitute:
 “(a) There shall be a separate nomination paper for each candidate. Each candidate for election shall be proposed and seconded by persons on the Electoral Roll and who are in the same part of the Register.
 (b) Each nomination paper shall contain the name, address and requisite qualification of the person nominated, the category which he is representing, and the National Board to which he is seeking election. The requisite qualification of the proposer and seconder signing such paper shall also be included.”;
- (b) In sub paragraph (d) add after “Returning Officer” the words “at the address specified in the Notice referred to in Rule 8.”; and
- (c) In sub paragraph (i) substitute for the final sentence:
 “In the event that the election shall have taken place and the Appeals Committee deciding that the appellant was nominated invalidly then a fresh election in respect of that National Board shall take place.”
- (7) In paragraph 10 (Conduct of Election) for sub paragraphs (c) and (d) substitute:
 “(c) If the number of duly nominated candidates in respect of any of the three categories in any National Board election exceeds the number to be elected whether after further nominations are sought under paragraph (k) of Rule 9 or not, the Returning Officer shall cause ballot papers to be prepared for each category in which a contested election is to be held. Ballot papers shall state the last day on which ballot papers must be returned and the place to which they are to be returned. The Returning Officer shall also cause to be prepared pre-paid envelopes for the return of the ballot papers which shall carry the address to which they are to be returned.
 (d) The Returning Officer shall not later than twenty-eight days before the date fixed for the receipt of ballot papers, cause a ballot paper to be forwarded by post to each person on the Electoral Roll together with a form of declaration of identity which shall be as nearly as may be in the form marked B in Appendix 1 to this Scheme and a pre-addressed envelope for the return of these documents. The Returning Officer shall also cause to be included with the despatch of ballot papers details of candidates, giving in respect of each one his name, address, qualifications and a statement showing his current appointment or his current principal field of practice. Each elector shall be entitled to receive one ballot paper and one identification document and votes shall not be cast except upon the ballot paper provided by the Returning Officer.”

(8) For paragraph 15 (The Appeals Committee) substitute:

“15. The Appeals Committee shall consist of five members who shall be appointed by the Council from amongst those members of the Council or Boards who are not candidates in the election.”.

(9) In Appendix 1 delete “Form A (Nomination Papers)” and substitute for “Form B (Declaration of Identity)”

“FORM B
DECLARATION OF IDENTITY
Form of Declaration

Notice to Voter

This declaration is simply to validate the ballot paper. It will be detached by the Electoral Reform Society before the voting paper is examined and will be retained by the Society thereby ensuring the confidentiality of the ballot.

I, the undersigned, hereby declare that I am the person to whom the enclosed ballot paper is addressed as on this slip, that I am entered on the Electoral Roll and that I have not marked any other ballot paper in this election.

Signed
IMPORTANT: Failure to return this slip, or to return this slip unsigned will invalidate your vote.”.

2. The Scheme as varied in accordance with paragraph 1 above is set out in the Schedule hereto.

SCHEDULE
SCHEME AS VARIED
ELECTORAL SCHEME RULES

1. INTERPRETATION

(a) In this Scheme:-

- “the Act” means the Nurses, Midwives and Health Visitors Act 1979;
- “Appeals Committee” means the Committee whose constitution is set out in Rule 15;
- “category” means one of those categories specified in paragraph (e) of Rule 5;
- “the Council” means the United Kingdom Central Council for Nursing, Midwifery and Health Visiting;
- “the National Boards” shall be the bodies referred to in Section 5(1) of the Act;
- “practising” has the same meaning as in Section 23(1) of the Act;
- “Register” means the Register prepared by the Council in accordance with Section 10(1) of the Act;
- “Registrar” means the Registrar and Chief Executive of the Council; and
- “Secretary of State” has the same meaning as in the Act.

(b) The Interpretation Act 1978 shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

2. The members of each of the National Boards for England, Wales, Scotland and Northern Ireland who are required by virtue of Section 5(4)(b) of the Act to be elected, shall be elected in accordance with the provisions of this Scheme.

3. RETURNING OFFICER

(a) The Returning Officer who shall not be a member of the Council or any National Board or any Committee thereof shall be appointed by the Council in consultation with the Boards and the Council will at its discretion provide such funds as appear to the Council to be required for the provision of such staff equipment and all services necessary for the conduct of the election.

- (b) The Returning Officer shall appoint a Deputy Returning Officer, not being a member of the Council, or of any National Board, or of any Committee thereof, to act for him in the event of his absence or inability to act, and the expression "Returning Officer" in this Scheme includes the Deputy Returning Officer so acting.
- (c) Subject to the provisions of this Scheme, the Returning Officer shall be responsible for the conduct of the election.
- (d) The Returning Officer shall seek the advice of the Registrar on all matters relating to confirmation and clarification of the professional standing of voters and/or candidates.

4. NUMBERS TO BE ELECTED TO EACH NATIONAL BOARD AND THE CATEGORIES IN WHICH THEY ARE TO BE ELECTED

The numbers of persons to be elected to each National Board and the categories in which they are to be elected are as set out in the following table:-

<i>Board</i>	<i>Number of persons to be elected</i>	<i>Categories</i>		
		<i>Nurses</i>	<i>Midwives</i>	<i>Health Visitors</i>
England	30	20	5	5
Wales	24	16	4	4
Scotland	24	16	4	4
N. Ireland	24	16	4	4

5. ELECTORAL ROLL

- (a) There will be one election for each of the four National Boards.
- (b) The Returning Officer shall cause to be formed an Electoral Roll (hereinafter called "the Electoral Roll") composed subject to paragraph (c) of this Rule of those nurses, midwives and health visitors whose names are on the Register on the 1st February 1988 and whose registration is not ineffective in the manner set out in paragraph (g) of this Rule.
- (c) Any person whose registration has become ineffective because he has not paid the periodic fee required by virtue of the Nurses, Midwives and Health Visitors (Periodic Registration) Amendment (No. 2) Rules 1986 (a) (hereinafter referred to as "periodic fee") because he is not in paid employment may be admitted by the Returning Officer to the Electoral Roll provided:-
 - (i) the Returning Officer received a signed declaration stating that he is not in paid employment and
 - (ii) his qualifications can be verified by the Council to the Returning Officer.
- (d) Subject to the provisions relating to persons not living in the United Kingdom, each nurse, midwife and health visitor will be able to take part only in the National Board election in the country in which he lives or works.
- (e) Individuals who are placed on the Electoral Roll, and who do not live in the United Kingdom, will have to choose the appropriate National Board election according to the home or work address in the United Kingdom from which they departed or to which they intend to return.
- (f) The Returning Officer shall determine a date by which the Electoral Roll shall be closed and a date by which nominations for election must be received, but the date on which the Electoral Roll shall be closed may be a date subsequent to the date on which nominations for election are sought, but must be before the date by which nominations for election must be received.
- (g) At least two months notice of the formation of the Electoral Roll shall be given stating that all nurses, midwives and health visitors who are registered and whose registration is not ineffective for non-payment of periodic fees will be entered on the Electoral Roll. The notice will invite those nurses, midwives and health visitors whose registrations are ineffective because they have not paid their periodic fee and who are not in paid employment to make an application to the Returning Officer to be entered on the Electoral Roll in accordance with sub-paragraph (c) of this Rule. Notice shall be deemed to have been duly given if advertisements are placed in two or more newspapers circulating in England, Wales, Northern Ireland and Scotland and in such professional journals circulating in England, Wales, Northern Ireland and Scotland and outside the United Kingdom as the Council shall determine.
- (h) Decisions about the eligibility of a person to be admitted to the Electoral Roll will be made by the Returning Officer. Any person who is aggrieved by a decision of the Returning Officer may appeal against that decision to the Appeals Committee.

(a) S.I. 1986/2294.

6. CATEGORIES OF CANDIDATES

There will be three categories of candidates. The categories are practising nurse, practising midwife and practising health visitor. The category of candidate must coincide with his professional field of practice. Where a candidate may be able to stand in more than one category by virtue of his practice the candidate must clearly state the category in which he wishes to stand.

7. VOTING CATEGORIES AND BALLOT PAPERS

The Returning Officer will send out ballot papers to all those entitled to vote. Each individual seeking to vote will be required to choose to vote in one of the Board elections as provided in paragraph (d) or (e) of Rule 5 and those persons eligible to vote in more than one category will have the discretion to opt to vote for candidates in any one of the categories in which they are eligible to vote in the relevant Board election. Subject to Rule 5(e) each person voting must be resident or practising in the country of the National Board for whose candidate they choose to vote and must vote for the category in which they are qualified. No person may vote in more than one Board election nor for more than one category in that election.

8. PUBLICATION OF NOTICE OF ELECTION

The Returning Officer shall fix the last day by which nomination papers are to be received, and at least 28 days before the date so fixed shall cause a Notice of the Election to be published, specifying the number and qualification of persons to be elected, the place to which the nomination papers are to be sent and the last day on which they are to be received. The Notice shall be published in two or more newspapers circulating in England, Wales, Northern Ireland and Scotland and in such professional journals both in the United Kingdom and outside the United Kingdom as the Council shall determine.

9. NOMINATION

- (a) There shall be a separate nomination paper for each candidate. Each candidate for election shall be proposed and seconded by persons on the Electoral Roll and who are in the same part of the Register.
- (b) Each nomination paper shall contain the name, address and requisite qualification of the person nominated, the category which he is representing, and the National Board to which he is seeking election. The requisite qualification of the proposer and seconder signing such paper shall also be included.
- (c) Each person seeking nomination must also sign the nomination paper and declare his willingness to stand as a candidate.
- (d) Every nomination paper shall, before 12.00 noon on the last day fixed for the receipt of nomination papers, be delivered by post or otherwise, to the Returning Officer at the address specified in the Notice referred to in Rule 8.
- (e) Nomination papers shall be invalid if either—
 - (i) they are not received by the Returning Officer before 12.00 noon on the last day fixed for the receipt of nomination papers, or
 - (ii) any requirement of this Scheme has not been complied with provided that no misnomer or inaccurate or incomplete description of any person or place named in any nomination paper shall invalidate that paper, if in the opinion of the Returning Officer, the description of the person or place is such as to be commonly understood.
- (f) Where, in the opinion of the Returning Officer, a nomination of any candidate is invalid, the Returning Officer shall forthwith notify the candidate to that effect and within one week after the publication of the list of the duly nominated candidates under paragraph (j) of this Rule the candidate may either personally, or by his agent appointed in writing, notify in writing to the Returning Officer that he considers his nomination valid.
- (g) If after further consideration of the contention disclosed in such notice and after taking such legal advice as he thinks fit, the Returning Officer is satisfied that the nomination paper was valid he shall cause the name of the candidate to be included in the list of duly nominated candidates.
- (h) If after further consideration of the contention disclosed in the notice, and after taking such legal advice as he thinks fit, the Returning Officer is satisfied that the nomination was invalid he shall forthwith so certify. In that event he shall forward a copy of his certificate to the candidate for nomination, who may within seven days of receiving such copy, appeal to the Appeals Committee and notify the Returning Officer accordingly.
- (i) The Appeals Committee shall consider any appeal made under paragraph (h) of this Rule and the Returning Officer shall forthwith forward to the Appeals Committee a copy of his certificate given under the said paragraph (h) together with any comments he wishes to make and the Appeals Committee's decision as to whether the appellant was validly

nominated shall be final. In the event that the election shall have taken place and the Appeals Committee deciding that the appellant was nominated invalidly then a fresh election in respect of that National Board shall take place.

- (j) Within seven days of the time fixed for the receipt of nomination papers and notwithstanding any notifications under paragraph (f) of this Rule the Returning Officer shall cause to be published at the offices of the Council and each National Board, the list of the duly nominated candidates and on the same day send by Recorded Delivery Post to all nominated persons the names of other people nominated in their category and to the same National Board. Before 12.00 noon on the seventh day from the date of publication of the list, a candidate may withdraw from the election by delivering by post or otherwise to the Returning Officer a written notice of withdrawal and on receipt thereof the Returning Officer shall delete the name of such candidate from the list. No notice of withdrawal received after 12.00 noon on the seventh day from the date of publication of the list shall be valid.
- (k) After the period for withdrawal has expired under paragraph (j) of this Rule should there be no valid nomination or insufficient valid nominations in respect of any National Board or category, the Returning Officer shall publish at the offices of the Council and in at least two professional journals with a weekly circulation throughout the United Kingdom a list of the National Boards and categories for which there are no or insufficient duly nominated candidates and the Returning Officer shall allow one further period, until noon on the twenty-first day after publication of that list, for the receipt of nomination papers in respect of such National Boards and categories.
- (l) In the event of sufficient nomination papers not being received the ensuing vacancies shall be filled by an appointment made by the Secretary of State of persons proposed by the appropriate National Board who would be qualified for election to those places.
- (m) The provisions of paragraphs (a) to (k) of this Rule shall apply to the nomination of a candidate under paragraph (k) of this Rule as they apply to the nomination of candidates under the preceding paragraphs of this Rule.

10. CONDUCT OF ELECTION

- (a) The election of the nominated candidates to the several National Boards and categories shall be conducted in the manner set out in the following paragraphs of this Rule.
- (b) If the number of validly nominated candidates for any of the three categories in any National Board election does not exceed the number to be elected the Returning Officer shall forthwith declare such candidates to be elected and shall so certify in writing.
- (c) If the number of duly nominated candidates in respect of any of the three categories in any National Board election exceeds the number to be elected whether after further nominations are sought under paragraph (k) of Rule 9 or not, the Returning Officer shall cause ballot papers to be prepared for each category in which a contested election is to be held. Ballot papers shall state the last day on which ballot papers must be returned and the place to which they are to be returned. The Returning Officer shall also cause to be prepared pre-paid envelopes for the return of the ballot papers which shall carry the address to which they are to be returned.
- (d) The Returning Officer shall, not later than twenty-eight days before the date fixed for the receipt of ballot papers, cause a ballot paper to be forwarded by post to each person on the Electoral Roll together with a form of declaration of identity which shall be as nearly as may be in the form marked B in Appendix I to this Scheme and a pre-addressed envelope for the return of these documents. The Returning Officer shall also cause to be included with the despatch of ballot papers details of candidates, giving in respect of each one his name, address, qualifications and a statement showing his current appointment or his current principal field of practice. Each elector shall be entitled to receive one ballot paper and one identification document and votes shall not be cast except upon the ballot paper provided by the Returning Officer.
- (e) The Returning Officer shall ensure details of the voting including the dates by which ballot papers shall be despatched and returned by persons qualified to vote in the election are publicised and that details are sent to professional journals.
- (f) The election shall take place by the single transferable vote system as defined by the Electoral Reform Society, the rules for which are set out in Appendix II to this Scheme.
- (g) Each voter shall have one single transferable vote and shall mark the ballot paper delivered to him to show the names of the candidates for whom he wishes to vote and the order of preference. Any ballot paper on which the voter has failed to mark his first preference shall be invalid.
- (h) The elector shall sign the form of identification and send this by post or otherwise to the Returning Officer together with the ballot paper in the envelope provided. Any ballot papers which are not accompanied by the form of identification and any ballot paper in

respect of which any requirement for this scheme has not been complied with, or which is not received by the Returning Officer before 12.00 noon on the last day fixed for the receipt of ballot papers, shall be invalid.

11. THE COUNT

- (a) The Returning Officer immediately after the last day fixed for the receipt of ballot papers, shall cause the validity of the votes to be ascertained by such other evidence, if any, as he may think necessary. The counting of the eligible ballot papers shall be undertaken by the Electoral Reform Society.
- (b) The Electoral Reform Society under the direction of the Returning Officer shall supervise the count under the single transferable vote system and shall make and sign a certificate to the Returning Officer as soon as possible after the last day for the return of ballot papers. This certificate shall state for each electoral category and each National Board (i) the total number of valid ballot papers received, (ii) the names of the candidates who have been elected and (iii) the number of ballot papers determined to be invalid and the reasons for treating them as invalid. The certificate shall be accompanied by a result sheet which shall detail the quota and the number of votes allocated at each stage of the count to each of the candidates and shall be signed by a duly authorised officer of the Electoral Reform Society.
- (c) The ballot shall be secret and the Returning Officer, Officers of the Electoral Reform Society and every Officer employed in connection with the election shall maintain, and assist in maintaining, the secrecy of the ballot and shall not disclose any information as to how an individual cast his vote.

12. POWERS OF THE RETURNING OFFICER

Subject to any decision given by the Appeals Committee on appeal made to it under Rules 5, 9 and 14 of this Scheme any question arising with regard to the validity of a nomination or ballot paper, or otherwise in connection with any election held under this Scheme shall be determined by the Returning Officer.

13. NOTICE OF RESULTS OF ELECTION

The Returning Officer shall forthwith give to every candidate whose name has not been deleted from the list written notice of the result of the election and shall furnish the Council and the Chief Executive Officer of each National Board with a list of the persons certified by him to have been duly elected.

14. VALIDITY OF ELECTION

- (a) Any candidate unsuccessful at the election may either personally or by his agent appointed in writing notify in writing the Returning Officer within fourteen days after the declaration of the result of the election that he contests the validity of that part of the election in respect of which he was unsuccessful on the grounds of non-compliance with the provisions of this Scheme, or of any misdescription or miscount, or of the non-delivery, loss or miscarriage of any document.
- (b) If after the consideration of the contention disclosed in the notice, the Returning Officer is satisfied in respect of that part that the election was conducted substantially in accordance with the provisions of this Scheme and that any non-compliance, misdescription or miscount, non-delivery, loss or miscarriage did not affect the result of that part of the election, he may, within fourteen days of receiving such notice, so certify. In that event he shall forward a copy of his certificate to the unsuccessful candidate, who may within seven days of receiving such copy, appeal to the Appeals Committee.
- (c) Where the Returning Officer does not so certify, he shall not later than the fifteenth day after receiving the notice forward a copy thereof to the Appeals Committee together with such comments as he shall think fit.
- (d) The Appeals Committee shall consider any appeal made under paragraph (b) of this Rule or any notice received under paragraph (c) of this Rule and its decision as to whether the result of the relevant part of the election was affected by any non-compliance, misdescription or miscount, non-delivery, loss or miscarriage shall be final. In the event of the Appeals Committee deciding that the result of the relevant part of the election was so affected, the Committee may either direct a fresh election or a recount of votes whichever is the more relevant.

15. THE APPEALS COMMITTEE

The Appeals Committee shall consist of five members who shall be appointed by the Council from amongst those members of the Council or Boards who are not candidates in the election.

16. POSTAL DISRUPTION

In the event of any serious disruption to postal services the Returning Officer shall have discretion to (i) in the case where ballot papers have not been despatched to change the date for their return and to include a statement to this effect when the ballot papers are sent out and (ii) in the case where ballot papers have been despatched allow additional time for their return.

APPENDIX I

FORM B

DECLARATION OF IDENTITY

Form of Declaration

Notice to Voter

This declaration is simply to validate the ballot paper. It will be detached by the Electoral Reform Society before the voting paper is examined and will be retained by the Society thereby ensuring the confidentiality of the ballot.

I, the undersigned, hereby declare that I am the person to whom the enclosed ballot paper is addressed as on this slip, that I am entered on the Electoral Roll and that I have not marked any other ballot paper in this election.

Signed

IMPORTANT: Failure to return this slip, or to return this slip unsigned will invalidate your vote.

APPENDIX II

RULES FOR COUNTING VOTES

1. THE FIRST STAGE

(1) The voting papers shall be sorted into parcels according to first preferences, any invalid papers being set aside.

(2) The number of first preference votes for each candidate and the total number of valid votes shall be determined.

(3) The quota for election shall be determined by dividing the total number of valid votes by one more than the number of places to be filled, the result being rounded up if not exact to the next whole number above.

(4) Any candidate who is credited with a number of votes equal to or exceeding the quota shall be deemed to be elected, provided that the number of candidates deemed elected does not exceed the number of places to be filled.

(5) This completes the first stage of the count.

2. SUBSEQUENT STAGES

(1) If one or more candidates have surpluses above the quota, and the total value of such surpluses together with any votes in suspense does not exceed the difference between

(a) the number of votes credited to the candidate with the smallest number of votes and the number of votes credited to the candidate with the next smallest number of votes, or

(b) the total number of votes credited to the two or more candidates with the smallest numbers of votes and the number of votes credited to the candidate with the next smallest number of votes,

the transfers of such surpluses shall be deferred.

(2) Otherwise, if one or more candidates have surpluses, the largest surplus shall be transferred.

(3) If the two or more candidates with the largest surpluses have equal surpluses, the surplus of the candidate who was credited with the largest number of votes at the earliest stage at which they had an unequal number of votes shall be transferred. If such two or more candidates have been credited with the same number of votes at all stages of the count, it shall be determined by lot which surplus to transfer.

(4) If, after all surpluses have been transferred or deferred, one or more places remain to be filled, the candidate or candidates credited with the smallest number or numbers of votes shall be excluded.

(5) The two or more candidates credited with the smallest numbers of votes shall be excluded together if the total number of votes of such two or more candidates together with the total of any deferred surpluses and any votes in suspense does not exceed the number of votes credited to the candidate with the next smallest number of votes.

(6) Otherwise, the candidate credited with the smallest number of votes shall be excluded if the number of votes of such candidate together with the total of any deferred surpluses and any votes in suspense does not exceed the number of votes credited to the candidate with the next smallest number of votes.

(7) If the two or more candidates credited with the smallest numbers of votes are each credited with the same number of votes, then the candidate who had the smallest number of votes at the earliest stage at which they had an unequal number of votes shall be excluded. If such two or more candidates have been credited with the same number of votes at all stages of the count, then it shall be determined by lot which candidate to exclude.

3. *THE TRANSFER OF A SURPLUS*

(1) In the case of a surplus arising at the first stage, all the voting papers received by a candidate shall be examined.

(2) In the case of a surplus arising at a later stage consequential on the transfer of another surplus or from the exclusion of a candidate or candidates, only the last parcel of voting papers, all of one value, which gave rise to the surplus, shall be examined.

(3) The voting papers to be examined shall be sorted into sub-parcels according to next available preferences for continuing candidates, any papers on which no next available preference is expressed being set aside.

(4) The number of papers in each sub-parcel, the total number of transferable papers, and the number of non-transferable papers shall be determined.

(5) If the present total value of the transferable papers exceeds the surplus, the transfer value of each paper shall be determined by dividing the surplus by the number of transferable papers to two decimal places, ignoring any remainder, and the papers shall be marked with the new transfer value. Otherwise, the transfer value of each paper is its present value.

(6) Each continuing candidate shall be credited with the value of any papers received, and any non-transferable difference between the total value of such papers and the surplus shall be added to the previous non-transferable total.

(7) Any candidate who is now credited with a number of votes equal to or exceeding

(a) the quota, or

(b) the sum, divided by one more than the number of places remaining to be filled, of the votes credited to continuing candidates, any votes in suspense, and any untransferred surpluses,

shall be deemed to be elected, provided that the number of candidates deemed elected does not exceed the number of places to be filled.

(8) The transfer of a surplus constitutes a further stage in the count.

4. *EXCLUSION OF A CANDIDATE OR CANDIDATES*

(1) The voting papers of the excluded candidate or candidates, together with any papers held in suspense, shall be arranged in parcel, in descending order of transfer value.

(2) The parcel of papers of highest transfer value shall be sorted into sub-parcels according to next available preferences for continuing candidates, any papers on which no next available preference is expressed being set aside.

(3) The number and value of papers in each sub-parcel, and the number and value of non-transferable papers shall be determined.

(4) Each continuing candidate shall be credited with the value of any papers received, and the value of any non-transferable papers shall be added to the previous non-transferable total.

- (5) Any candidate who is now credited with a number of votes equal to or exceeding
- (a) the quota, or
 - (b) the sum, divided by one more than the number of places remaining to be filled, of the votes credited to continuing candidates, the value of any parcels of papers not yet transferred, and any untransferred surpluses

shall be deemed to be elected, provided that the number of candidates deemed elected does not exceed the number of places to be filled.

(6) Any remaining parcels of papers shall be sorted and transferred in turn in descending order of transfer value in the same way, and candidates deemed elected where appropriate.

(7) After the transfer of a parcel of papers of any one value, if the total value of the remaining papers of lower value does not exceed the difference between

- (a) the number of votes credited to the candidate with the smallest number of votes and the number of votes credited to the candidate with the next smallest number of votes, or
- (b) the total number of votes credited to the two or more candidates with the smallest numbers of votes and the number of votes credited to the candidate with the next smallest number of votes,

the transfer of the remaining parcels of papers may be deferred and their value held in suspense.

(8) The exclusion of a candidate or candidates constitutes a further stage in the count.

5. FILLING THE LAST VACANCIES

(1) If at any stage, as the result of the proposed exclusion of one or more candidates, the number of continuing candidates would be equal to the number of places remaining to be filled, such continuing candidates shall be deemed to be elected.

(2) If at any stage the number of candidates deemed to be elected is equal to the number of places to be filled, no further transfers of papers shall be made, and the remaining continuing candidate(s) shall be formally excluded.

(3) The count is now complete.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to the electoral scheme variation scheme prepared by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting which varies the electoral scheme given effect by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (Electoral Scheme) Order 1982.

The variation scheme provides for variations in the duties and functions of the Returning Officer (paragraph 3), in particular in connection with the formation of the Electoral Roll with regard to persons who have both not paid periodic fees and who are not in paid employment (paragraph 5) and the conduct of an election (paragraph 10). Changes are also made to the provisions concerning the categories of candidates in an election (paragraph 6), the casting of votes (paragraph 7), the nomination of candidates (paragraph 9). There are other minor changes and the scheme as varied is restated in the Schedule to the variation scheme.