(2) The Interpretation Act, 1889(a), applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

2. The constitution of the Central Midwives Board shall be varied in manner following, that is to say:—

(*a*) The Board shall consist of sixteen persons of whom—

(i) Six (of whom two shall be certified midwives and one shall be a duly qualified medical practitioner engaged in general practice) shall be appointed by the Minister after consultation with such bodies and persons as appear to him to be concerned;

(ii) Four shall be duly qualified medical practitioners appointed, as to one each, by the Royal College of Physicians of London, the Royal College of Surgeons of England, the Royal College of Obstetricians and Gynaecologists and the Society of Medical Officers of Health;

(iii) Four shall be certified midwives appointed by the Royal College of Midwives; and

(iv) Two (not being certified midwives) shall be appointed, as to one each, by the County Council's Association and the Association of Municipal Corporations.

(*b*) The provisions of sub-paragraph (2) of paragraph 1 of the first Schedule to the Midwives Act, 1951, shall not apply; and

(*c*) Paragraph 2 of the said first schedule shall have effect as if a term of three years was specified therein in lieu of a term of one year.

Given under the official seal of the Minister of Health this fourteenth day of March, nineteen hundred and fifty-two.

(L.S.) *Harry Crookshank,*
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order varies the membership of the Central Midwives Board provided for by paragraph 1 of the first schedule to the Midwives Act, 1951, and extends the term of office of a member provided for by paragraph 2.

MIDWIFE, SCOTLAND

1952 No. 1713 (S. 87)

The Central Midwives Board for Scotland (Election Scheme) Rules, 1952, Approval Instrument, 1952

Made - - - - 18*th September,* 1952
Coming into Operation 25*th September,* 1952

Whereas the Central Midwives Board for Scotland have, in exercise of the powers conferred on them by sub-section (4) of section 1 of the Midwives

(a) 52 & 53 Vict. c. 63.

(Scotland) Act, 1951(a), and Article 6 of the Central Midwives Board for Scotland (Reconstitution) Order, 1952(b), made the Central Midwives Board for Scotland (Election Scheme) Rules, 1952, prescribing the scheme of election of the members of the Board required by sub-paragraph (*a*) of paragraph (1) of Article 4 of the said Order to be elected, and have submitted the said Rules to the Secretary of State for his approval: and whereas the said Rules have, in terms of sub-section (1) of section 34 of the said Act, been communicated to the Executive Committee of the General Medical Council:

Now, therefore, in exercise of the powers conferred on me by section 34 of the Midwives (Scotland) Act, 1951, and of all other powers enabling me in that behalf, I do hereby approve the said Rules in the form set out in the Schedule hereto.

This instrument may be cited as the Central Midwives Board for Scotland (Election Scheme) Rules, 1952, Approval Instrument, 1952, and shall come into operation on the 25th day of September, 1952.

Dated this 18th day of September, 1952.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

The Central Midwives Board for Scotland

The Midwives (Scotland) Act, 1951

The Central Midwives Board for Scotland in exercise of their powers under sub-section (4) of section 1 of the Midwives (Scotland) Act, 1951, and Article 6 of the Central Midwives Board for Scotland (Reconstitution) Order, 1952, hereby make the following Rules:—

1. These Rules may be cited as the Central Midwives Board for Scotland (Election Scheme) Rules, 1952.

2.—(1) In this Schedule, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"the Board" means the Central Midwives Board for Scotland.

"certified midwife" means a woman who is for the time being certified under the Midwives (Scotland) Act, 1951.

(2) Subject as aforesaid expressions used in these Rules have the same meanings as in the Rules made by the Board under the Midwives (Scotland) Acts, 1915(c) and 1927(d), and the Maternity Services (Scotland) Act, 1937(e).

(3) The Interpretation Act, 1889(f), applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. The members of the Board required by sub-paragraph (*a*) of paragraph (1) of Article 4 of the Central Midwives Board for Scotland (Reconstitution) Order, 1952, to be elected shall be elected in accordance with the following Rules:—

(a) 14 & 15 Geo. 6. c. 54.
(b) S.I. 1952/1464, p. 2018 below.
(c) 5 & 6 Geo. 5. c. 91.
(d) 17 & 18 Geo. 5. c. 17.
(e) 1 Edw. 8 & 1 Geo. 6. c. 30.
(f) 52 & 53 Vict. c. 63.

DATE OF ELECTION

4. The first election shall take place on the 15th day of January, 1953, and subsequent elections shall take place on the third Thursday of January in every fifth year thereafter.

RETURNING OFFICER

5.—(1) The Board shall at least three months before the date of the election appoint a person not being a member of the Board to be the Returning Officer.

(2) The Board shall appoint a Deputy Returning Officer, not being a member of the Board, to act for the Returning Officer in the event of his absence or inability to act, and the expression " Returning Officer " in these Rules includes the Deputy Returning Officer so acting.

(3) The Board may pay for the services of the Returning Officer and the staff necessary for the conduct of the election such sums out of monies received by them as they may in their discretion think proper.

(4) Subject to the provisions of these Rules, the Returning Officer shall be responsible for the conduct of the election.

QUALIFICATIONS OF CANDIDATES AND ELECTORS

6.—(1) The members of the Board to be elected shall be certified midwives engaged in Scotland in work for which a certified midwife is requisite or for which a certified midwife is commonly employed and shall be nominated and elected by certified midwives who (i) have intimated their intention to practise as certified midwives or maternity nurses during the year preceding the election and before 30th September in that year (or have made such intimation before 31st October, 1952, in respect of the first election) and (ii) are engaged in Scotland in work for which a certified midwife is requisite or for which a certified midwife is commonly employed.

(2) In order to be eligible for election under these Rules a certified midwife must have the requisite qualifications on the date of the election. In order to be entitled to nominate a candidate for the election a person must have the requisite qualifications on the date of nomination, and in order to be entitled to take part in the election a person must have the requisite qualifications on the date of the election.

PUBLICATION OF NOTICE OF ELECTION

7. The Returning Officer shall fix the last day on which nomination papers are to be received, and at least twenty-eight clear days before the day so fixed shall cause a notice of the election to be published, specifying the number and qualifications 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, as nearly as may be, in the form marked A in the Appendix to these Rules, and shall be published once in at least three recognised journals circulating among midwives, and in a daily newspaper published in each of the following places, namely, Edinburgh, Glasgow, Aberdeen and Dundee.

NOMINATION

8.—(1) Each candidate for election shall be nominated by a separate nomination paper signed by not fewer than two persons having the requisite qualifications for nominating a candidate.

(2) Each nomination paper shall state the name, address, registered qualifications and present employment of the person nominated, and also the addresses, registered qualifications and present employment of the persons signing such paper, and shall be, as nearly as may be, in the form marked B in the Appendix to these Rules.

(3) Any person having the requisite qualifications for nominating a candidate may nominate any number of candidates not exceeding the number to be elected.

(4) Every nomination paper shall, before twelve noon of the last day fixed for the receipt of nomination papers, be delivered by post to the Returning Officer, at the offices of the Central Midwives Board for Scotland, and shall be accompanied by a declaration in writing, signed by the person nominated, and, as nearly as may be, in the form marked C in the Appendix to these Rules acknowledging that such person consents to be nominated. Every nomination paper in respect of which any requirement of these Rules has not been complied with, or which is not received by the Returning Officer before twelve noon of the last day fixed for the receipt of nomination papers, shall be invalid. 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.

Conduct of election

9. The election of the members of the Board shall be conducted in the following manner:—

(1) If the number of duly nominated candidates does not exceed the number to be elected, the Returning Officer shall forthwith declare such candidates to be elected.

(2) If the number of duly nominated candidates exceeds the number to be elected, the Returning Officer shall cause ballot papers and identification envelopes to be prepared. Ballot papers shall contain the names, addresses and registered qualifications and present employment of all the persons nominated, and state the last day on which ballot papers may be received by the Returning Officer and the place to which they are to be returned, and the identification envelope shall bear a declaration of identity.

Ballot papers and identification envelopes shall be, as nearly as may be, in the forms marked D and E in the Appendix to these Rules.

(3) The Returning Officer shall, twenty-one clear days at least before the last day fixed for the receipt of ballot papers, cause a ballot paper to be forwarded by post to each person qualified to take part in the election at her registered address, together with an identification envelope. Each elector shall be entitled to receive one ballot paper and one identification envelope, and no more, and votes shall not be given except upon the ballot papers provided by the Returning Officer.

(4) Each elector shall mark the ballot paper delivered to her with a X against the name or names of the person or persons (not exceeding the number of persons to be elected) for whom she intends to vote, and shall place her ballot paper folded face inwards in the identification envelope, and securely fasten the same. The elector shall sign the declaration printed on the said envelope, place it inside a covering envelope, and send it by post to the Returning Officer. Every ballot paper in respect of which any requirement of these Rules has not been complied with, or on which the elector has placed any mark whereby she may be afterwards identified, or which is not received by the Returning Officer before twelve noon on the last day fixed for the receipt of ballot papers, shall be invalid.

(5) 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 an examination of the identification envelopes and by such other evidence, if any, as he may think necessary, and shall cause such of the identification envelopes as are found to be valid to be opened, and the ballot papers withdrawn, kept folded face inwards, and placed in a ballot box. When all the ballot papers have been transferred to the ballot box they shall be examined and counted, and the number of valid votes given for each candidate shall

be ascertained. Any candidate, or agent appointed by the candidate in writing to represent her, may be present during the examination of the identification envelopes and the counting of the ballot papers.

(6) The names of the candidates shall be placed in the order of preference shown by the number of votes cast for each, with the candidate receiving the most votes at the head of the list. The candidates with the highest numbers of votes, to the number of candidates required to be elected, shall be declared elected by the Returning Officer. If an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any of such candidates to be declared elected, the Returning Officer shall determine by lot which of the candidates whose votes are equal shall be declared elected.

Powers of Returning Officer

10.—(1) Any question arising with regard to the validity of a nomination or ballot paper, or otherwise in connection with any election held under these Rules shall be determined by the Returning Officer.

(2) No election held under these Rules shall be invalidated by reason of mis-description or non-compliance with the provisions of these Rules or by reason of any mis-count or of the non-delivery, loss or miscarriage in the course of post of any document required under these rules to be despatched by post if the Returning Officer certifies in writing that the election was conducted substantially in accordance with the provisions of these Rules, and that the result of such mis-description, non-compliance, mis-count, non-delivery, loss or miscarriage did not affect the result of the election: provided that any unsuccessful candidate or her agent may, within fourteen days after the declaration by the Returning Officer of the result of the election, appeal to the Secretary of State for Scotland against a certificate given by the Returning Officer under this sub-paragraph, and the decision of the Secretary of State for Scotland shall be final.

(3) The identification envelopes and ballot papers shall be destroyed by the Returning Officer on the expiry of one calendar month from the date of the declaration of the result of the election, unless there shall have been an appeal as provided for under the immediately preceding sub-paragraph of these Rules, in which event the Secretary of State for Scotland shall order the destruction of the said envelopes and ballot papers, on the determination of the appeal.

Notice and Publication of Result of Election

11. The Returning Officer shall forthwith give to each person elected written notice of her election, and shall furnish the Board with the names of the persons certified by him to have been duly elected, showing the number of votes cast for each of such persons. The Returning Officer shall also publish the names and addresses of the elected candidates in the journals and newspapers specified in paragraph 7 of the Rules.

Secrecy of ballot

12. The Returning Officer, and every officer, clerk or servant employed in connection with the election shall maintain and aid in maintaining, the secrecy of the ballot, and shall not communicate to any person any information as to the manner in which any elector has recorded her vote.

Made by the Central Midwives Board for Scotland this 14th day of August, 1952.

David Thomson.
Secretary,
Central Midwives Board for Scotland.

18, Nicolson Street,
Edinburgh, 8.

APPENDIX

FORM A—NOTICE OF ELECTION

MIDWIVES (SCOTLAND) ACT, 1951

Notice is hereby given that in terms of the Midwives (Scotland) Act, 1951, and of the Central Midwives Board for Scotland (Reconstitution) Order, 1952, an election of.....members of the Central Midwives Board for Scotland is about to be held.

The.....members to be elected shall be certified midwives engaged in Scotland in work for which a certified midwife is requisite or for which a certified midwife is commonly employed and shall be nominated and elected by certified midwives who (i) have intimated their intention to practise as certified midwives or maternity nurses during the year preceding the election and before 30th September in that year (or have made such intimation before 31st October, 1952, in respect of the first election), and (ii) are engaged in Scotland in work for which a certified midwife is requisite or for which a certified midwife is commonly employed.

In order to be eligible for election under these Rules a person must have the requisite qualifications on the date of the election.

In order to be entitled to nominate a candidate for the election a person must have the requisite qualifications on the date of nomination.

In order to be entitled to take part in the election a person must have the requisite qualifications on the date of the election.

Each candidate must be nominated by a separate nomination paper.

Every nomination paper must state the name, address, registered qualifications and present employment of the candidate nominated; it must be signed by not fewer than two persons having the requisite qualifications for nominating the candidate; and the address, registered qualifications and present employment of each one so signing must be appended to her signature.

The nomination paper must be accompanied by a declaration in writing signed by the person nominated, acknowledging that she consents to be nominated, and must be delivered by post before the hour of twelve noon on the day of , 19 , addressed to the Returning Officer, at the offices of The Central Midwives Board for Scotland.

Every nomination paper which is not received at the address given below before the hour of twelve noon on the day of , 19 , will be invalid.

Nomination papers may be obtained on application to the Secretary at the offices of The Central Midwives Board for Scotland.

(Date)

Returning Officer.

FORM B—NOMINATION PAPER

ELECTION OF.....CERTIFIED MIDWIVES TO THE CENTRAL MIDWIVES BOARD FOR SCOTLAND

Nomination Paper

We, the undersigned, being certified midwives.....
.....
..... (1)
hereby nominate..... (2)
of..... (3)
being a certified midwife whose number on the
Roll of Certified Midwives is..... (4)
being employed in Scotland at..... (5)
and being engaged in work—
for which a certified midwife is requisite..... (6)
or
for which a certified midwife is commonly employed..... (7)
as a proper person to be elected to the Central Midwives Board for Scotland by certified midwives.

Signatures of Nominators	Addresses	Registered Qualifications, Number on Roll of Certified Midwives and present employment

(Date)

(1) Here insert full names, including Christian names of nominators, in block capitals.
(2) Here insert full name, including Christian names, of candidate in block capitals.
(3) Here insert candidate's address.
(4) Here insert candidate's number on the Roll of Certified Midwives kept by the Central Midwives Board for Scotland.
(5) Here insert candidate's place of employment and postal address.
(6) Here insert candidate's present post.
(7) If the candidate is not actually employed on midwifery duties, briefly state the nature of the work in which she is employed.

NOTE.—A person shall not nominate a certified midwife unless she herself at the date of nomination is a certified midwife, who (i) has intimated her intention to practise as a certified midwife or a maternity nurse during the year preceding the election and before 30th September in that year (or has made such intimation before 31st October, 1952, in respect of the first election), and (ii) is engaged in Scotland in work for which a certified midwife is requisite or for which a certified midwife is commonly employed.

Each nomination paper must be signed by not fewer than two persons having the requisite qualifications.

All nomination papers must be accompanied by a written declaration of consent signed by the person nominated—see overleaf.

(To be printed on the reverse side of Form B.)

FORM C—DECLARATION OF CONSENT BY THE CANDIDATE NOMINATED

ELECTION OF.....CERTIFIED MIDWIVES TO THE CENTRAL MIDWIVES BOARD FOR SCOTLAND

(Date)

I consent to be nominated as a candidate for election as a representative of certified midwives to serve on the Central Midwives Board for Scotland. I declare that the information regarding my qualifications given in the nomination paper overleaf is correct.

USUAL SIGNATURE.....

FULL NAME.....

ADDRESS .....

NUMBER on Roll of Certified Midwives.....

FORM D—BALLOT PAPER

ELECTION OF.....CERTIFIED MIDWIVES TO THE CENTRAL MIDWIVES BOARD FOR SCOTLAND

Ballot Paper

Elector's mark X	Name of Candidate Nominated	Address	Registered Qualification	Present Employment

NOTE.—.....candidates fall to be elected. The elector must put a mark thus, X, in the left-hand column against the name of the candidates for whom she votes. The elector must not vote for more than.....candidates but may vote for less than.....

If the elector places any mark on this ballot paper by which she may be afterwards identified, the ballot paper will be null and void and will not be counted.

This paper must be folded face inwards and placed in the identification envelope, which must be signed by the elector in the place marked for that purpose, securely fastened, and placed in a covering envelope, which must then be sent by post to the Returning Officer at the offices of The Central Midwives Board for Scotland, and must be received there before the hour of twelve noon on the day of , 19 .

FORM E—IDENTIFICATION ENVELOPE—CENTRAL MIDWIVES BOARD FOR SCOTLAND

(Identification Envelope)

ELECTION OF.....CERTIFIED MIDWIVES

To

I, the undersigned, hereby declare that I am the person to whom the enclosed ballot paper is addressed as above, that I am a certified midwife, that I am engaged in Scotland in work for which a certified midwife is requisite or for which a certified midwife is commonly employed, and that I have not marked any other ballot paper in this election.

(Signature)