STATUTORY INSTRUMENTS

1964 No. 1971

NURSES AND MIDWIVES

The General Nursing Council (Election Scheme) Rules, Approval Instrument 1964

Made - - - -	11*th December* 1964
Laid before Parliament	15*th December* 1964
Coming into Operation	16*th December* 1964

Whereas the General Nursing Council for England and Wales have, in exercise of the powers conferred on them by sections 1 and 30 of, and Schedule 1 to, the Nurses Act 1957(a) as amended by section 14 of, and Part II of Schedule 1 to, the Nurses (Amendment) Act 1961(b), made rules prescribing the scheme of election of members of the Council who are required by the said Schedule 1 to be elected and have submitted the said rules to the Minister of Health for his approval:

Now, therefore, the Minister of Health, in exercise of the powers conferred on him by section 32 of the Nurses Act 1957 and of all other powers enabling him in that behalf, hereby approves the said rules in the form set out in the Schedule hereto.

This instrument may be cited as the General Nursing Council (Election Scheme) Rules, Approval Instrument 1964 and shall come into operation on 16th December 1964.

SCHEDULE

THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

The Nurses Acts 1957 *and* 1961

The General Nursing Council for England and Wales in exercise of the powers conferred on them by sections 1 and 30 of, and Schedule 1 to, the Nurses Act 1957 as amended by section 14 of, and Part II of Schedule 1 to, the Nurses (Amendment) Act 1961 hereby make the following Rules:—

1. These Rules may be cited as the General Nursing Council (Election Scheme) Rules 1964.

2. The Interpretation Act 1889(c) applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. The General Nursing Council (Election Scheme) Rules 1954(d) are hereby revoked:

(a) 5 & 6 Eliz. 2. c. 15. (b) 9 & 10 Eliz. 2. c. 14.
(c) 52 & 53 Vict. c. 63. (d) Scheduled to S.I. 1954/1417 (1954 I, p. 1465).

Provided that such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly done or suffered, under those Rules.

4. The members of the General Nursing Council for England and Wales, who are required by the provisions of Schedule 1 to the Nurses Act 1957 as amended by sections 4 and 14 of, and Part II of Schedule 1 to, the Nurses (Amendment) Act 1961 to be elected, shall be elected in accordance with the Scheme set out in the Schedule to these Rules.

SCHEDULE TO THE RULES

General Nursing Council for England and Wales

Scheme made under Paragraph 4 of Schedule 1 to the Nurses Act 1957 as amended by the Nurses (Amendment) Act 1961 for the Election of 18 Persons to be Members of the General Nursing Council for England and Wales

Interpretation

1.—(1) Unless the context otherwise requires expressions used in this Scheme have the same meanings as in the Nurses Rules 1961(a).

(2) The expression "area" means one of the 15 areas into which England and Wales is divided for the purposes of the election, as determined by the Minister of Health under paragraph 2(2) of Schedule 1 to the Nurses Act 1957 as amended by section 4(1) of the Nurses (Amendment) Act 1961.

Returning Officer

2.—(1) The Council shall at least 6 months before the date on which their elected members cease to hold office appoint a person, not being a member of the Council, or of any Committee thereof, to be the Returning Officer for the ensuing election.

(2) The Returning Officer shall appoint a Deputy Returning Officer, not being a member of the Council, 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.

(3) The Returning Officer shall have power, subject to the approval of the Council, to employ and pay out of the monies received from the Council the staff necessary for the conduct of the election.

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

Qualifications of Candidates and Electors

3.—(1) The numbers and qualifications of the several classes of persons to be elected are specified in the 1st and 2nd columns of the following table, and the qualifications of the persons entitled to nominate and to take part in the election of candidates of each of those classes are specified in the 3rd column of the table.

(a) Scheduled to S.I. 1961/1520 (1961 II, p. 3127).

TABLE

QUALIFICATIONS OF CANDIDATES AND ELECTORS

Number of persons to be elected	Qualifications of persons to be elected	Qualifications of persons entitled to nominate and take part in election
15 (one from each of the 15 areas determined by the Minister being the Regional Hospital Areas * for the purposes of the National Health Service Act 1946(a)), viz.:— 1. Newcastle 2. Leeds 3. Sheffield 4. East Anglian 5. North West Metropolitan 6. North East Metropolitan 7. South East Metropolitan 8. South West Metropolitan 9. Oxford 10. South Western 11. Welsh 12. Birmingham 13. Manchester 14. Liverpool 15. Wessex	Registered general nurses (i.e. nurses registered in the general part of the Register), who on the date fixed for the purpose of the election as the last date for the receipt of nomination papers are engaged in the area for which they are candidates for election in nursing or in other work for which the employment of a registered nurse is requisite or for which a registered nurse is commonly employed.	Registered general nurses (i.e. nurses registered in the general part of the Register), and registered fever nurses.
1	Registered mental nurse, being a man	Registered mental nurses.
1	Registered mental nurse, being a woman	
1	Registered sick children's nurse	Registered sick children's nurses.

(2) In order to be eligible for election under this Scheme or to be entitled to nominate for and take part in the election, a person must have the requisite qualifications on the date fixed by the Returning Officer under paragraph 4 of this Scheme as the last day on which nomination papers are to be received.

* See the National Health Service (Determination of Regional Hospital Areas) Order 1946 (S.R. & O. 1946/2158 (Rev. XV, p. 515: 1946 I, p. 1056) as amended (S.I. 1955/401, 1956/1484, 1958/2093, 1963/1125 (1955 I, p. 1262; 1956 I, p. 1511; 1958 II, p. 1540; 1963 II, p. 1912)).

(a) 9 & 10 Geo. 6. c. 81.

Publication of Notice of Election

4. The Returning Officer shall fix the last day on which nomination papers are to be received, and at least 28 clear days before the day so fixed shall cause a notice of the election to be published, specifying the number and description 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 2 or more newspapers circulating in England and Wales, Scotland and Northern Ireland, and shall be, as nearly as may be, in the form marked A in the Appendix to this Scheme.

Nomination

5.—(1) Each candidate for election shall be nominated on a separate nomination paper signed by not fewer than 6 persons having the requisite qualifications for nominating the candidate. No person may nominate more than the number of persons to be elected.

(2) Each nomination paper shall contain the name, address and registered qualification or qualifications, and other requisite qualifications if any, of the person nominated, and also the addresses and registered qualifications of each person signing such paper, and shall be, as nearly as may be, in the appropriate form marked B(i) or B(ii) in the Appendix to this Scheme.

(3) Every nomination paper shall, before 12 noon on the last day fixed for the receipt of nomination papers, be delivered by post or otherwise to the Returning Officer, General Nursing Council for England and Wales, P.O. Box 803, 23, Portland Place, London, W.1, and shall be accompanied by a declaration in writing, signed by the person nominated, in the form marked C in the Appendix to this Scheme or to the like effect, acknowledging that such person consents to be nominated. Every nomination paper in respect of which any requirement of this Scheme has not been complied with, or which is not received by the Returning Officer before 12 noon on 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.

(4) As soon as possible after the time fixed for the receipt of nomination papers has expired, the Returning Officer shall publish at the offices of the Council a list of the duly nominated candidates and on the same day shall send a copy of this list by registered post to each of them. Before 12 noon on the 7th day from the date of publication of the list, a candidate may withdraw from the poll by delivering by post or otherwise to the Returning Officer a written notice of withdrawal and on receipt thereof the Returning Officer shall expunge the name of such candidate from the list. No notice of withdrawal received after 12 noon on the 7th day shall be valid.

Conduct of Election

6. The election of the 15 registered general nurses shall be conducted in the following manner.

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

(2) If the number of duly nominated candidates in respect of any one area exceeds 1, the Returning Officer shall cause ballot papers and identification envelopes to be prepared. Ballot papers shall contain the names, addresses and registered qualification or qualifications of all the persons who have been nominated and whose names have not been expunged from the list and shall state the last day on which ballot papers may be received, and the place to which they are to be returned. 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 this Scheme.

(3) The Returning Officer shall, 21 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 vote in the election at her registered address, together with an identification envelope. Each elector shall be entitled to receive 1 ballot paper and 1 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 votes, and shall place her ballot paper 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 or otherwise to the Returning Officer at the above-named address. Every ballot paper in respect of which any requirement of this Scheme 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 12 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, 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 her in writing to represent her, may be present during the examination of the identification envelopes and the counting of the ballot papers and accordingly the Returning Officer shall notify each candidate at the time and place of the examination and counting.

(6) In each of the 15 areas, the candidate having the greatest number of votes shall be declared elected for that area by the Returning Officer. If an equality of votes is found to exist between any of the candidates in any one of the areas 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.

7. The foregoing provisions with regard to the conduct of the election of registered general nurses shall apply with the necessary modifications to the election of registered mental nurses and registered sick children's nurses.

Powers of Returning Officer

8. 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.

Notice of Result of Election

9. The Returning Officer shall forthwith give to every candidate whose name has not been expunged from the list written notice of the result of the election, and shall furnish the Council with a list of the persons certified by him to have been duly elected, showing the number of votes cast for each of such persons.

Secrecy of Ballot

10. 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.

Validity of Election

11.—(1) Any candidate unsuccessful at the poll may either personally or by her agent appointed in writing notify the Returning Officer within 14 days after the declaration of the result of the election that she contests the validity of that part of the election in respect of which she was unsuccessful on the ground 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.

(2) If after 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, miscount, non-delivery, loss or miscarriage did not affect the result of that part of the election, he may, within 14 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 7 days of receiving such copy, appeal to the Minister of Health.

(3) Where the Returning Officer does not so certify, he shall not later than the 15th day after receiving the notice forward a copy thereof to the Minister of Health together with such comments as he shall think fit.

(4) The Minister shall consider any appeal made under sub-paragraph (2) or any notice received under sub-paragraph (3) hereof and his decision as to whether the result of the relevant part of the election was affected by any non-compliance, misdescription, miscount, non-delivery, loss or miscarriage, shall be final. In the event of the Minister deciding that the result of the relevant part of the election was so affected, a fresh election in respect of the seat in that part of the election shall take place.

APPENDIX

FORM A (*Notice of election*)

Nurses Acts 1957 *and* 1961

Notice is hereby given that pursuant to the *Nurses Acts* 1957 *and* 1961 an election of 18 members of the General Nursing Council for England and Wales, to represent the nurses registered upon the Register of that Council, is about to be held.

The following table shows the numbers and qualifications of the persons to be elected, and the qualifications of the persons entitled to nominate and take part in the election of each class of candidate.

TABLE

QUALIFICATIONS OF CANDIDATES AND ELECTORS

Number of persons to be elected	Qualifications of persons to be elected	Qualifications of persons entitled to nominate and take part in election
15 (one from each of the 15 areas determined by the Minister being the Regional Hospital Areas * for the purposes of the National Health Service Act 1946(a)), viz.:— 1. Newcastle 2. Leeds 3. Sheffield 4. East Anglian 5. North West Metropolitan 6. North East Metropolitan 7. South East Metropolitan 8. South West Metropolitan 9. Oxford 10. South Western 11. Welsh 12. Birmingham 13. Manchester 14. Liverpool 15. Wessex	Registered general nurses (i.e. nurses registered in the general part of the Register), who on the date fixed for the purpose of the election as the last date for the receipt of nomination papers are engaged in the area for which they are candidates for election in nursing or in other work for which the employment of a registered nurse is requisite or for which a registered nurse is commonly employed.	Registered general nurses (i.e. nurses registered in the general part of the Register), and registered fever nurses.
1	Registered mental nurse, being a man	Registered mental nurses.
1	Registered mental nurse, being a woman	
1	Registered sick children's nurse	Registered sick children's nurses.

* See the National Health Service (Determination of Regional Hospital Areas) Order 1946 (S.R. & O. 1946/2158 (Rev. XV, p. 515: 1946 I, p. 1056) as amended (S.I. 1955/401, 1956/1484, 1958/2093, 1963/1125 (1955 I, p. 1262; 1956 I, p. 1511; 1958 II, p. 1540; 1963 II, p. 1912)).

(a) 9 & 10 Geo. 6. c. 81.

In order to be eligible for election under this Scheme or to be entitled to nominate for and take part in the election, a person must have the requisite qualifications on 19 ,† and no person may nominate in any part of the election more than the number of persons to be elected in that part. Each candidate must be nominated on a separate nomination paper.

---

† This will be the date fixed by the Returning Officer as the last day for the receipt of nomination papers.

Every nomination paper must contain the name, address and registered qualification or qualifications, and other requisite qualifications if any, of the candidates nominated; it must be signed by not fewer than 6 persons having the requisite qualifications for nominating the candidate; and the address and registered qualification or qualifications 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 or otherwise, before the hour of 12 noon on 19 ,† addressed to the Returning Officer, The General Nursing Council for England and Wales, P.O. Box 803, 23 Portland Place, London, W.1. Forms of nomination papers may, on application by post or otherwise, be obtained from the Returning Officer at the above address; in making such application it should be clearly stated for what part of the election the nomination form or forms are required: i.e. for nurses registered in the general part of the Register, for registered mental nurses, or for registered sick children's nurses.

Every nomination paper which is not received at the address given above before the hour of 12 noon on 19 † will be invalid.

Returning Officer.

(Date)

FORM B

FORM B (i) (*Form of nomination paper for nurses registered in the general part of the Register*)

We, the undersigned, being nurses registered in the general part of the Register for England and Wales, or in the part of the Register for fever nurses hereby

nominate (1)

of (2)
who is registered in the general part of the Register and whose registration

number is (3)

and who is employed at (4)

where he or she is engaged in (*a*) nursing (5)
or (*b*) work for which the employment of a registered nurse is requisite or for which a registered nurse is commonly employed, that is to say

(6)

in the area in respect of which he or she is nominated, i.e. area (7)
as a proper person to be elected to the General Nursing Council for England and Wales by the nurses registered in the general part of the Register, and in the part of the Register for fever nurses.

We declare that we have signed no other nomination paper in respect of this area.

---

† This will be the date fixed by the Returning Officer as the last day for the receipt of nomination papers.

Signatures of Nominators	Address	Registered Qualification and Number

(Date)

(1) Here insert full name, including Christian names, of candidate.

(2) Here insert candidate's address.

(3) Here insert candidate's registration number.

(4) Here insert candidate's place of employment, and its postal address.

(5) Here insert candidate's present post.

(6) If the candidate is not actually employed in nursing, then state briefly the nature of the work in which he or she is engaged.

(7) Here insert description of area as determined for election purposes.

N.B.—Only a nurse registered in the general part of the Register may be nominated as a candidate, but a nurse registered in the general part of the Register or in the part of the Register for fever nurses may sign the nomination paper as a nominator.

FORM B (ii) (*Form of nomination paper for registered mental nurses and registered sick children's nurses*)

We, the undersigned, being nurses registered in the (1)
for England and Wales

hereby nominate (2)

of (3)

who is registered in the (1)

and whose registration number is (4)
as a proper person to be elected to the General Nursing Council for England and Wales by the nurses registered in the (1)

Signatures of Nominators	Address	Registered Qualification and Number

(Date)

(1) Here insert the words "part of the Register for mental nurses", or "part of the Register for sick children's nurses", as the case may be.

(2) Here insert full name, including Christian names, of candidate.

(3) Here insert candidate's address.

(4) Here insert candidate's registration number.

N.B.—A nurse cannot nominate a candidate for election by the nurses registered in a particular part of the Register unless she is herself registered in that particular part.

FORM C (*Form of declaration to be issued with the nomination papers for return by the candidate nominated*)

ELECTION OF DIRECT REPRESENTATIVES TO THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

(Date)

I consent to be nominated as a candidate for election as a representative of the nurses registered in the (1)
to serve on the General Nursing Council for England and Wales. I declare that the statements in the nomination paper with regard to my qualifications are correct.

Name

Address

Registration Number

(1) Here insert "general part of the Register and the part of the Register for fever nurses", *or* "part of the Register for mental nurses", *or* "part of the Register for sick children's nurses", as the case may be.

FORM D

Election to the General Nursing Council for England and Wales by nurses registered in the general part of the Register and in the part of the Register for fever nurses.

BALLOT PAPER I

Election of 15 registered general nurses

Area	Elector's Mark X	Name of Candidate Nominated	Present post and address of Candidate Nominated	Registered Qualification and Number

N.B.—Nurses registered in the general part of the Register, or in the part of the Register for fever nurses are entitled to vote for candidates in this ballot paper. The elector must put a mark thus, **X**, against the name or names of the candidate for whom he or she votes. The elector must not vote for more than one candidate in respect of each area.

The elector may vote for fewer candidates than are to be elected.

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

This paper must be 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 or otherwise to the Returning Officer, General Nursing Council for England and Wales, P.O. Box 803, 23, Portland Place, London, W.1, and must be received there before the hour of 12 noon on , 19 .

Election to the General Nursing Council for England and Wales by nurses registered in the part of the Register for mental nurses.

BALLOT PAPER II

Election of one male and one female nurse registered in the part of the Register for mental nurses.

	Elector's Mark X	Name of Candidate Nominated	Address	Registered Qualification and Number
Part I Female nurses				
Part II Male nurses				

N.B.—The registered mental nurse voting must put a mark thus, **X**, against the name or names of the candidate or candidates for whom he or she votes.

Two only of the above-named candidates are to be elected; one of these must be a female mental nurse, and the other a male mental nurse, and the elections will be determined accordingly.

The elector must not vote for more than 1 female mental nurse, or more than 1 male mental nurse. If the elector places any mark on this ballot paper by which he or she may be afterwards identified, the whole ballot paper will be null and void and will not be counted.

This paper must be 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 or otherwise to the Returning Officer, General Nursing Council for England and Wales, P.O. Box 803, 23, Portland Place, London, W.1, and must be received there before the hour of 12 noon on , 19 .

Election to the General Nursing Council for England and Wales by nurses registered in the part of the Register for sick children's nurses.

BALLOT PAPER III

Election of 1 nurse registered in the part of the Register for sick children's nurses.

Elector's Mark X	Name of Candidate Nominated	Address	Registered Qualification and Number

N.B.—The registered sick children's nurse voting must put a mark thus, **X**, against the name of the candidate for whom she votes.

One only of the above-named candidates is to be elected. If the elector votes for more than 1 candidate or 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 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 or otherwise to the Returning Officer, General Nursing Council for England and Wales, P.O. Box 803, 23, Portland Place, London, W.1, and must be received there before the hour of 12 noon on , 19 .

FORM E (*Form of identification envelope*)

(Identification Envelope)

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 nurse registered in the part of the Register and that I have not marked any other ballot paper in this part of the election.

(Signature)

C. A. Smaldon,
Chairman of the Council.

The Seal of the General Nursing Council for England and Wales was hereunto affixed on 9th December 1964.

(L.S.)

M. Henry,
Registrar.

Given under the official seal of the Minister of Health on 11th December 1964.

(L.S.)

Kenneth Robinson,
Minister of Health.

EXPLANATORY NOTE

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

The rules approved by this Instrument replace by a new Scheme the Scheme for the election of the members of the General Nursing Council who are required to be elected by virtue of the provisions of Schedule 1 to the Nurses Act 1957. The minor changes made are those required as a result of the Nurses (Amendment) Act 1961.

The system, in accordance with which the election of the fifteen nurses referred to in paragraph 2(1)(*a*) of Schedule 1 to the Nurses Act 1957 as amended is to be conducted, continues to be that provided for in paragraph 4(*a*) of that Schedule, i.e. the assignment to each of the electors of one vote in respect of each of the fifteen areas into which England and Wales is divided by paragraph 2(2) of that Schedule.