1980 No. 62

INSURANCE

The Insurance Brokers Registration Council Election Scheme Approval Order 1980

Made - - - -	17*th January* 1980
Laid before Parliament	30*th January* 1980
Coming into Operation	1*st March* 1980

The Secretary of State, in exercise of the powers conferred upon him by paragraph 2(2)(*b*) of the Schedule to, and by section 28(1) of, the Insurance Brokers (Registration) Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Insurance Brokers Registration Council Election Scheme Approval Order 1980 and shall come into operation on 1st March 1980.

2. The Insurance Brokers Registration Council Election Scheme 1979, as made by the Insurance Brokers Registration Council in exercise of their powers under paragraph 2(2)(*a*) of the Schedule to the Insurance Brokers (Registration) Act 1977 and as set out in the Schedule to this Order, is hereby approved.

Reginald Eyre,
Parliamentary Under-Secretary of State
Department of Trade

17th January 1980.

(a) 1977 c. 46.

SCHEDULE

THE INSURANCE BROKERS REGISTRATION COUNCIL ELECTION SCHEME 1979

The Insurance Brokers Registration Council, in exercise of their powers under paragraph 2(2)(*a*) of the Schedule to the Insurance Brokers (Registration) Act 1977, hereby make the following Scheme:

PART I

Preliminary

1. This Scheme may be cited as the Insurance Brokers Registration Council Election Scheme 1979.

2.—(1) In this Scheme, unless the context otherwise requires:—

"the Act" means the Insurance Brokers (Registration) Act 1977;

"county" and "Greater London" have the meanings respectively assigned to them by the Local Government Act 1972(**a**) and the London Government Act 1963(**b**);

"the registered address" means the address entered in the register in respect of a registered insurance broker or such other address as may be notified from time to time to the Registrar in accordance with paragraph 9 of this Scheme.

(2) A document is published in accordance with the requirements of this Scheme, and information is published for the purposes of paragraphs 8, 15 and 24 of this Scheme, if a copy of such document or a notice containing such information:—

(*a*) is sent to at least two organisations representing the interests of registered insurance brokers and to at least two newspapers or periodicals which give special attention to insurance matters;

(*b*) is made available for inspection at the address specified under paragraph 8(2) of this Scheme; and

(*c*) is sent to any person on request.

(3) Any notice or other document authorised or required to be given or sent to a registered insurance broker under this Scheme shall be sent to his address entered in the register.

3. The requirements in paragraphs 10, 13, 20, 26 and 28 of this Scheme that documents conveying respectively nominations, withdrawals of candidates, votes, returns and protests shall be received by days fixed under any of those paragraphs mean that such documents shall be valid only if delivered to or received by post at the address specified under paragraph 8(2) of this Scheme not later than 5.00 p.m. on the day fixed for the purpose:

Provided that the Returning Officer shall accept as valid any such document sent through the post and received at the appropriate address after 5.00 p.m. on the day fixed for the purpose, or by first post on the following day, if he is satisfied by examination of the post mark, or otherwise, that it was posted on a day preceding the day fixed for the purpose, at such a time that it would normally have been received not later than that day.

(**a**) 1972 c. 70. (**b**) 1963 c. 33.

PART II

National Members and Constituency Members

4. For the purpose of choosing twelve persons to be members of the Council representing registered insurance brokers:—

(*a*) one person shall be elected in accordance with this Scheme for each of the six constituencies listed in paragraph 5 of this Scheme to represent all registered insurance brokers whose registered addresses are within that constituency (each such member being referred to in this Scheme as "a constituency member"); and

(b) six persons shall be elected in accordance with this Scheme to represent all registered insurance brokers (each such member being referred to in this Scheme as "a national member").

5. For the purpose of the election of the constituency members the six constituencies shall be:—

(*a*) "Central Constituency" consisting of Northern Ireland; together with the counties of Clwyd, Gwynedd, Powys, Cheshire, Greater Manchester, Hereford and Worcester, Lancashire, Merseyside, Salop, Staffordshire, Warwickshire and West Midlands.

(*b*) "Eastern Constituency" consisting of the counties of Bedfordshire, Cambridgeshire, Derbyshire, Leicestershire, Lincolnshire, Norfolk, Northamptonshire, Nottinghamshire and Suffolk.

(*c*) "Metropolitan Constituency" consisting of Greater London and all parts of the world outside the United Kingdom.

(*d*) "Northern Constituency" consisting of Scotland; together with the counties of Cleveland, Cumbria, Durham, Humberside, Northumberland, Tyne and Wear, North Yorkshire, South Yorkshire and West Yorkshire.

(*e*) "South Eastern Constituency" consisting of the counties of Berkshire, Buckinghamshire, Essex, Hertfordshire, Kent and Surrey.

(*f*) "South Western Constituency" consisting of the counties of Dyfedd, Mid Glamorgan, South Glamorgan, West Glamorgan, Gwent, Avon, Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Isle of Wight, Oxfordshire, Somerset, East Sussex, West Sussex and Wiltshire.

6.—(1) The persons chosen in the first instance to represent registered insurance brokers pursuant to paragraph 2(1) of the Schedule to the Act shall retire with effect on and from 30th November 1981.

(2) (*a*) Prior to 30th November 1981 the Council shall cause elections to be held in accordance with this Scheme for the election of six constituency members and six national members to hold office subject to paragraph 32 of this Scheme on and from 1st December 1981.

(*b*) Thereafter the Council shall cause elections to be held from time to time in accordance with this Scheme for the election of constituency members or national members (as appropriate) to fill vacancies arising in the membership of the Council.

(3) A member of the Council elected under this Scheme shall forthwith cease to hold office or shall forthwith be disqualified from taking up office after election if, as the case may be: —

(*a*) he ceases to be a registered insurance broker; or

(*b*) he abstains without the consent of the Council from attending the meetings of the Council for a period of 90 consecutive days, from the date of the first meeting of the Council which he has failed to attend; or

(*c*) he is adjudged bankrupt or makes any arrangement or composition with his creditors; or

(*d*) he is a person to whom apply the powers and provisions of Part VIII of the Mental Health Act 1959(a), relating to management and administration or any statutory modification or amendment thereof.

(4) Subject as aforesaid and to the provisions of sub-paragraph (5) of this paragraph the term of office of all national members and constituency members shall be four years provided that the national members elected on and from the 1st December 1981 shall retire on and from the 30th November 1983.

(5) In the event of a casual vacancy occurring amongst the members of the Council elected in accordance with this Scheme at a date earlier than twelve months from the due date of retirement from the Council of the member in question a separate election in accordance with this Scheme (as if the vacancy fell within paragraph 24 hereof) shall be held forthwith to elect a person to fill that vacancy such person to hold office during the remainder of the term of office of the person whose vacancy he has filled.

PART III

Returning Officer

7.—(1) Not less than six months before the date on which all or any of the members of the Council for the time being chosen to represent registered insurance brokers are due to retire the Council shall appoint a Returning Officer for the election of persons to represent registered insurance brokers in succession to such members and a Deputy Returning Officer entitled to carry out the functions of the Returning Officer at such times as he is absent or unable to act.

(2) The Council shall also similarly forthwith appoint a Returning Officer and Deputy Returning Officer for an election of any person to fill a casual vacancy arising under the provisions of paragraph 6(5) of this Scheme.

(3) Any person (including the Registrar) except a member of the Council shall be eligible to be appointed as Returning Officer or Deputy Returning Officer.

(4) A Returning Officer or Deputy Returning Officer appointed under this Scheme shall cease to hold office when the election for which he is appointed (including any further election held under paragraph 24 of this Scheme) has been completed, and if either of them should previously resign his office or die or be unable to act the Council may appoint another person in his place.

8.—(1) Not less than five months before the date on which all or any of the members of the Council for the time being chosen to represent registered insurance brokers are due to retire the Returning Officer shall fix a nomination day and shall publish the date he has fixed for this purpose.

(2) Not less than 21 days before the nomination date thus fixed and published the Returning Officer shall send in the case of an election of constitu-

(a) 1959 c. 72.

ency members to all registered insurance brokers whose registered addresses are in the constituency and in the case of an election of national members to all registered insurance brokers a notice as appropriate in the form set out in either Appendix A or Appendix B to this Scheme, specifying the address to which all nomination forms are to be returned, and the date of the nomination day, accompanied by a nomination paper as appropriate in the form set out in Appendix C or Appendix D to this Scheme.

9.—(1) Whenever a fee is paid to the Council under rules made under Section 8 of the Act any person, other than a practising insurance broker, shall be entitled for the purposes of this Scheme to notify the Registrar, or to revoke such notification or give a further notification, on the appropriate form of the address in the United Kingdom which is that person's principal place of business in relation to insurance broking.

(2) On such notification being received by the Registrar that person shall for the purposes of nominating candidates for an election, standing as a candidate at an election and voting in an election be deemed to have a registered address within the constituency in which the address so notified is situate and none other.

(3) No notification or revocation given under the provisions of this paragraph after a nomination day has been fixed and published under paragraph 8(1) of this Scheme and during the period of an election under this Scheme shall take effect until after the completion of such election.

PART IV

Nominations

10.—(1) (*a*) A candidate for election as a constituency member shall be nominated specifically for one of the constituencies specified in paragraph 5 of this Scheme.

(*b*) Such a candidate shall be nominated in writing by not less than six registered insurance brokers whose registered addresses are in the constituency for which the candidate is nominated.

(2) A candidate for election as a national member shall be nominated in writing by not less than six registered insurance brokers.

(3) A nomination shall be valid only if received by the nomination day and made on the appropriate form set out in Appendix C or Appendix D to this Scheme and signed by the person or persons nominating the candidate.

(4) The nominations may be comprised in more than one form but every form shall include a statement signed by the candidate identifying himself and confirming his willingness and qualification to stand as a candidate.

11.—(1) A registered insurance broker may nominate only one candidate for election as the constituency member for the constituency in which his registered address is situate but may nominate howsoever many candidates for election as national members as there are national members to be elected at the election in question.

(2) If a registered insurance broker purports to nominate more candidates than he is entitled to do his signature shall be valid only on the form first received by the Returning Officer or, if he is entitled to nominate more than

one candidate on the first forms (and the first completed nomination on such forms) containing such number of nominations as he is entitled to make which are so received. When two or more forms are received simultaneously at the address specified by the Returning Officer under paragraph 8(2) of this Scheme they shall be deemed for the purposes of this sub-paragraph to have been received by the Returning Officer in the order in which he in fact sees them.

12. A person may only be nominated as a candidate for election as a person to represent registered insurance brokers if he is himself a registered insurance broker and has not within a period of 5 years ending on the nomination day fixed and published under paragraph 8(1) of this Scheme been adjudged bankrupt or made any arrangement or composition with his creditors:

Provided that a candidate for election as a constituency member may be nominated only for the constituency in which his registered address is situate.

13. A candidate may withdraw his candidature by notice in writing signed by him and received by the Returning Officer by the nomination day, and in that event the nomination of that candidate shall be disregarded for the purposes of Parts V to IX of this Scheme.

PART V

Elections

14. If after the expiration of the time allowed under this Scheme for nominations of candidates:—

(*a*) no more candidates have been nominated than there are vacancies to be filled, the Returning Officer shall forthwith declare the candidates so nominated to have been elected to fill those vacancies;

(*b*) two or more candidates have been nominated in relation to any constituency, or more candidates have been nominated in relation to the election of national members than there are such vacancies, the Returning Officer shall cause a poll to be held.

15.—(1) When a poll is necessary the Returning Officer shall fix a polling day and shall publish:—

(*a*) the date thereof, which shall be not less than 21 days later than the date of such publication and shall be a date preceding the day on which the relevant members of the Council are due to retire;

(*b*) the names, and in the case of constituency elections the registered addresses (and the addresses contained in the register if different), of all candidates;

(*c*) subject as provided in the next following sub-paragraph, the names and, in the case of constituency elections the registered addresses (and the addresses contained in the register if different), of registered insurance brokers nominating each candidate; and

(*d*) in respect of each candidate and each person nominating such candidate:—

(i) the names of all enrolled bodies corporate of which they are directors;

(ii) all business names under which they or a partnership of which they are members carry on business as insurance brokers;

(iii) the names of all enrolled bodies corporate by which they are employed or in whose businesses they are engaged;

(iv) if they are employed or engaged as an insurance broker by a registered insurance broker or a partnership of which a registered insurance broker or an enrolled body corporate is a member the name of the registered insurance broker or the partnership and any other business name under which such business is carried on.

(2) If the Returning Officer receives more than six nominations in relation to any one candidate, he shall invite the candidate to state which six nominations should be published in connection with the candidature.

(3) If the Returning Officer cannot obtain within four days such a statement from the candidate, he shall publish in connection with the candidature the six nominations earliest received, or where several nominations are on one form, those first mentioned therein.

(4) For the purposes of the foregoing sub-paragraph the provisions of paragraph 11(2) of this Scheme shall apply where necessary for determining the order of time in which nominations shall be deemed to have been received by the Returning Officer.

(5) The Returning Officer shall send a copy of this Scheme to each person nominated as a candidate, and shall draw attention to paragraphs 17, 25, 26 and 27 of this Scheme, which relate respectively to the publicity available to the Returning Officer, the restrictions on expenditure, the statutory declaration which candidates are required to make and the restrictions on electioneering.

16.—(1) On a poll to elect a constituency member every registered insurance broker whose registered address is in that constituency shall be entitled to vote only for one candidate.

(2) On a poll to elect a person or persons as a national member or national members every registered insurance broker shall be entitled to vote for that number of candidates as there are vacancies to be filled.

PART VI

Conduct of Polls

17.—(1) Where a poll is to be held the Returning Officer shall as soon as may be after nomination day invite each candidate to supply within seven days particulars of his age, qualifications and career and an election address in a statement of not more than three hundred words in all.

(2) Subject to the provisions of this paragraph such statement shall be printed at the cost of the Council and sent along with the voting papers issued under paragraph 19 of this Scheme to all registered insurance brokers eligible to vote for the candidate.

(3) Nothing in this paragraph shall require the Returning Officer to issue a statement of a length greater than that specified in this paragraph or to issue anything which in his opinion is or may be libellous or scandalous or untrue on matters of fact.

(4) Every candidate who supplies such a statement shall be deemed to have agreed:—

(*a*) that the decision of the Returning Officer not to issue the same or any part thereof shall be final; and

(*b*) to indemnify the Returning Officer, the Deputy Returning Officer and the Council against any liability to any third party which they may incur by reason of issuing the same or any part thereof.

18.—(1) Where a poll is to be held the Returning Officer shall prepare voting papers and lists of candidates and nominators and Declarations of Identity together with inner and outer envelopes for them.

(2) The outer envelopes shall be addressed to the Returning Officer at the address specified under paragraph 8(2) of this Scheme.

(3) The Declarations of Identity shall be in the appropriate form set out in Appendix E to this Scheme.

(4) Where a poll is for the election of constituency members voting papers shall be in the form set out in Appendix F and lists of candidates and nominators shall be in the form set out in Appendix G to this Scheme; and where the poll is for the election of national members the voting papers shall be in the form set out in Appendix H and the lists of candidates and nominators shall be in the form set out in Appendix I to this Scheme.

19.—(1) The Returning Officer shall at least eight days before the polling day send to each registered insurance broker entitled to vote in the poll (but not to any registered insurance broker who has informed him in writing that on grounds of conscience he does not wish to be so entitled) a voting paper, a list of candidates and nominators, an inner envelope, an outer envelope and an appropriate form of Declaration of Identity prepared in accordance with the provisions of this Scheme along with any statements which he is required to issue under paragraph 17 of this Scheme.

(2) Each registered insurance broker entitled to vote in the poll shall be entitled to receive one voting paper, one inner envelope and one outer envelope, and no more, and votes shall not be valid unless made upon a voting paper received from the Returning Officer and in accordance with the requirements of this Scheme:

Provided that the Returning Officer may replace a voting paper or an envelope inadvertently spoiled if application is made to him for this purpose on or before the polling day.

20. Votes shall be cast as follows:—

(*a*) The voter shall record his vote or votes on the voting paper in accordance with the instructions thereon.

(*b*) The voter shall enclose the voting paper in the inner envelope, seal such envelope without making any distinguishing mark, complete the Declaration of Identity and enclose in the outer envelope the Declaration of Identity and the inner envelope containing the voting paper.

(*c*) The voter shall return the outer envelope and its contents to the address given on the envelope so that it is received there by polling day.

21.—(1) Immediately after the polling day the Returning Officer shall:—

(*a*) ascertain the validity of the votes by examination of the Declarations of Identity in the outer envelopes;

(*b*) when the Declarations are in order withdraw the inner envelopes from the outer envelopes and, without opening or marking them, collect them in some place away from the outer envelopes;

(*c*) withdraw the voting papers from the inner envelopes; and

(*d*) count the votes validly cast for each candidate.

(2) For the purposes of this paragraph a vote shall be deemed to have been validly cast if, but only if, it has been cast in accordance with paragraph 20 of this Scheme.

22. If in any poll the same number of votes is cast for each of two or more candidates, the Returning Officer shall, where necessary to decide the result of the election, determine by lot which of the candidates shall be deemed to have obtained the highest or the next highest number of votes for the purposes of this Scheme.

PART VII

Declaration of Election

23.—(1) When the Returning Officer declares the result of an election, he shall certify in writing:—

(*a*) the name of each person elected to be a national member or constituency member (as appropriate) and, in the case of a constituency member, the constituency in respect of which he was elected;

(*b*) if a poll has been held, the names of all other candidates, and the number of votes cast respectively for the persons elected and for every other candidate.

(2) The Returning Officer shall publish his certificate and shall forthwith send a copy of the same to all candidates named therein and to all members of the Council, and shall submit the certificate to the Council at their next meeting.

24.—(1) If:—

(*a*) after the nomination day a candidate dies or becomes disqualified from being a candidate before an election has taken place in respect of the vacancy for which he has been nominated;

(*b*) a candidate who has been elected dies, resigns or becomes disqualified from taking up office as a member of the Council before the date upon which the members for the time being chosen to represent registered insurance brokers shall have retired; or

(*c*) after an election has taken place in accordance with the foregoing provisions of this Scheme there remains any vacancy unfilled due to an insufficiency of nominations or the withdrawal of candidates or any other cause;

the Returning Officer shall in respect only of the vacancy for which the deceased or resigning or disqualified candidate was nominated or which remains unfilled as a result of such death or other cause (as the case may be) cause a further election to be held as soon as practicable and for that purpose shall forthwith fix another nomination date and publish the date thereof,

and thereafter if necessary fix another polling day and publish the date thereof, and shall proceed with the further election in accordance with the foregoing provisions of this Scheme with such modifications only as the circumstances may require:

Provided that the death, resignation or disqualification of a candidate shall not affect the validity of the nomination of another candidate and any such nomination duly made in respect of the first election shall, (subject to the provisions of paragraph 30 of this Scheme) be deemed to be a valid nomination for a further election for the same vacancy held pursuant to this paragraph.

(2) For the purpose of this Scheme a candidate shall forthwith become disqualified from being a candidate if:—

(*a*) he ceases to be a registered insurance broker; or

(*b*) he is adjudged bankrupt or makes any arrangement or composition with his creditors; or

(*c*) he is a person to whom apply the powers and provisions of Part VIII of the Mental Health Act 1959, relating to management and administration or any statutory modification or amendment thereof.

PART VIII

Expenses of Candidates

25.—(1) Other than expenditure incurred on his behalf by the Council under paragraph 17(2) of this Scheme no sum shall be paid and no expenditure shall be incurred by or on behalf of a candidate either before, during or after an election, on account of or in respect of the conduct or management of, or in connection with, the election.

(2) No expenditure shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any other person, whether before, during or after an election.

26. Not later than the fourteenth day after declaration of the result of an election, every candidate declared to have been elected shall furnish to the Returning Officer a statutory declaration in the form specified in Appendix J to this Scheme.

27.—(1) No person shall by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, his vote for a particular candidate at an election.

(2) No person shall, for the purpose of affecting the return of any candidate at an election, make or publish any statement or fact in relation to a candidate or nominator.

(3) No person shall, with intent to influence persons to give or refrain from giving their votes for a particular candidate, use, or aid, abet, counsel or procure the use of, any television or other wireless transmitting station for the transmission of any matter having reference to the election.

(4) No person shall make a payment, or enter into a contract for a payment, for the purpose of promoting or procuring the election of a candidate at an

election on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice.

(5) No person shall for the purpose of promoting or procuring the election of a candidate:—

(*a*) print, publish or distribute, or cause to be printed, published or distributed, any bill, placard, poster or document having reference to an election; or

(*b*) post, or cause to be posted, any such bill, placard, poster or document as aforesaid.

(6) No person shall hold, or procure to be held, a public or private meeting for the purpose of promoting or procuring the election of any candidate.

(7) No person shall canvass the support of any other person for the purpose of promoting or procuring the election of any candidate.

PART IX

Validity of Election

28. The certificate of the Returning Officer published under paragraph 23 of this Scheme shall be conclusive evidence of the facts stated therein unless in respect of the election of any person a written notice of protest signed by not less than twenty-five registered insurance brokers eligible to vote in the election of the person in question is received by the Returning Officer not later than the twenty-eighth day after the publication of the certificate. Such protest may be made on one or more of the following grounds:—

(*a*) that the election of that person was not in accordance with the requirements of this Scheme;

(*b*) that there was a breach of any of the provisions of paragraphs 25(2) or 27 of this Scheme in connection with the election;

(*c*) that the election of that person was furthered by conduct which in the case of an election regulated by the Representation of the People Act 1949(**a**) would be a corrupt practice by way of bribery, treating or undue influence under Sections 99, 100 and 101 of that Act (which are reproduced as Appendix K to this Scheme);

(*d*) that the person elected, or a person acting on his behalf, contravened the requirements of paragraph 25(1) of this Scheme, or did not comply with the requirements of paragraph 26 of this Scheme.

29. If any candidate declared to have been elected fails to submit a statutory declaration in accordance with the requirements of paragraph 26 of this Scheme the Returning Officer shall forthwith make a report on the matter to the Council and shall send a copy thereof to every person entitled to receive a copy of his certificate under paragraph 23 of this Scheme.

30.—(1) Any protest under paragraph 28 of this Scheme, or any report by the Returning Officer under paragraph 29 of this Scheme, shall be considered by the Council at their next meeting.

(2) The Council shall afford the person concerned an opportunity of making a reply in writing to the protest or the report, and may if they think fit hear

(**a**) 1949 c. 68.

oral statements from representatives of the persons signing the protest, from the Returning Officer and from any other persons concerned.

(3) If the Council are satisfied:

(*a*) that the election of the person concerned was furthered by such conduct as is described in paragraph 28(*c*) of this Scheme; or

(*b*) that expenditure was incurred by him or on his behalf in the conduct or management of the election; or

(*c*) that his election was in some other respect not in accordance with the requirements of this Scheme; or

(*d*) that he has failed to furnish a statutory declaration as required by paragraph 26 of this Scheme; or

(*e*) that there was a breach of any of the provisions of paragraphs 25(2) or 27 of this Scheme;

then (unless, in the case of (*c*), it appears to the Council that the election was conducted substantially in accordance with the requirements of this Scheme and that non-compliance with those requirements did not affect the result or unless, in the case of (*e*), it appears to the Council that the breach of any of the provisions of the said paragraphs 25(2) or 27 did not affect the result) the Council may declare that person's election invalid, and in that event the resulting vacancy shall be filled by a further election as provided by paragraph 24 of this Scheme.

(4) If the Council declare the election of any person invalid they shall forthwith proceed to consider whether in the circumstances of the case they should also declare that person or any other person to be disqualified from being nominated as a candidate in such further election, and if they declare him or any such person so disqualified any nomination of that person shall be rejected as invalid by the Returning Officer.

31. Any declaration made by the Council under paragraph 30(4) of this Scheme shall be published and shall be binding upon all persons.

32. A person elected under this Scheme shall notwithstanding paragraph 6 hereof not come into office immediately after the expiration of the term of office of the members previously chosen to represent registered insurance brokers if that person is the subject of any protest made under paragraph 28 of this Scheme or of any report made under paragraph 29 of this Scheme and such persons shall not come into office unless and until such protest or report shall have been considered and disposed of by the Council.

Sealed on the 30th day of November 1979.

Attested by:

Francis Perkins,
Member of Council.

J. E. Fryer,
Registrar.

APPENDIX A

(See paragraph 8(2))

THE INSURANCE BROKERS REGISTRATION COUNCIL ELECTION SCHEME 1979

Form of the Notice of Election required under paragraph 8 of the Election Scheme.

CONSTITUENCY

(Central, Eastern, Metropolitan, Northern, South Eastern or South Western, as the case may be.)

1. Notice is hereby given that an election is about to be held of one member of the Insurance Brokers Registration Council to represent registered insurance brokers whose registered addresses* are within the above constituency.

2. Candidates for election as constituency members must be nominated by 6 registered insurance brokers whose registered addresses* are within the constituency for which they are seeking to nominate. All nominations must be made in a nomination paper in the form enclosed herewith. The form states the full requirements of the Election Scheme with regard to nominations. I will supply further forms on request.

3. A candidate for election as a constituency member must have his registered address* in the constituency for which he is standing.

4. If a poll is necessary it will be held in the month of ..... A registered insurance broker will be entitled to vote only for one candidate for election as a member for the constituency in which his registered address* is situated.

5. Nominations must reach me at:.....

.....

.....by.....

Dated .....

.....
Returning Officer

*Note: "the registered address" means the address entered in the register in respect of the registered insurance broker or, until such notification is revoked, such other address as may be notified from time to time to the Registrar in accordance with paragraph 9 of the Election Scheme.

APPENDIX B

(See paragraph 8(2))

THE INSURANCE BROKERS REGISTRATION COUNCIL ELECTION SCHEME 1979

Form of the Notice of Election required under paragraph 8 of the Election Scheme.

1. Notice is hereby given that an election is about to be held of [a] member(s) of the Insurance Brokers Registration Council to represent registered insurance brokers.

2. Candidates for election as national members must be nominated by 6 registered insurance brokers. All nominations must be made in a nomination paper in the form enclosed herewith. The form states the full requirements of the Election Scheme with regard to nominations. I will supply further forms on request.

3. If a poll is necessary it will be held in the month of ..... A registered insurance broker will be entitled to vote for [a] candidate(s) being the number of vacancies amongst the national members as set out in paragraph 1.

4. Nominations must reach me at:.....

.....

.....by.....

Dated .....

.....
Returning Officer

[a] Insert number of vacancies.

APPENDIX C

(See paragraph 8(2))

THE INSURANCE BROKERS REGISTRATION COUNCIL ELECTION SCHEME 1979

Form of Nomination Paper for Candidates for election as constituency members.

CONSTITUENCY

(Central, Eastern, Metropolitan, Northern, South Eastern or South Western, as the case may be.)

PART I

WE, the undersigned, being registered insurance brokers whose registered addresses (see Note 1) are in the constituency mentioned above, hereby nominate

.....

for election to the Insurance Brokers Registration Council to represent registered insurance brokers in the said constituency.

Name of Nominator	No. in register	Registered Address (see Note 1)	Particulars of directorships, businesses and employment (see Note 2)	Signature of Nominator

Six signatures are required and the candidate must sign each form on which signatures are submitted.

PART II

I hereby declare that I am the person nominated in this form, that I consent to be so nominated and that I will accept office if I am duly elected; and that I am a registered insurance broker qualified to be a candidate for membership of the Council and my registered address (see Note 1) is in the constituency mentioned above.

Signature of Nominated Candidate	No. in register	Registered Address (see Note 1)	Particulars of directorships, businesses and employment (see Note 2)

NOTES:—

1. "the registered address" means the address entered in the register in respect of the registered insurance broker or, until such notification is revoked, such other address as may be notified from time to time to the Registrar in accordance with paragraph 9 of the Election Scheme.

2. The following information is required to be given in respect of each candidate and each person nominating such candidate:

(i) the names of all enrolled bodies corporate of which they are directors;

(ii) all business names under which they or a partnership of which they are members carry on business as insurance brokers;

(iii) the names of all enrolled bodies corporate by which they are employed or in whose businesses they are engaged;

(iv) if they are employed or engaged as an insurance broker by a registered insurance broker or a partnership of which a registered insurance broker or an enrolled body corporate is a member the name of the registered insurance broker or the partnership and any other business name under which such business is carried on.

PLEASE USE SEPARATE SHEETS IF NECESSARY

3. A person may only be nominated if he is a registered insurance broker having a registered address (see Note 1) in the constituency and has not

within a period of five years ending on the nomination day fixed and published under paragraph 8(1) of this Scheme been adjudged bankrupt or made any arrangement or composition with his creditors.

4. Nominations are valid only if made in this form and if received at

.....

by 5.00 p.m. on ..... except where the Returning Officer is satisfied that a nomination paper received by post not later than the first post on ..... was posted on a day at such a time that it would normally have been received not later than .....

5. A registered insurance broker may only nominate one candidate in respect of the constituency in which his registered address is situated. His signature will therefore only be valid on the nomination paper first received.

6. The constituencies consist of the following areas: —

(*a*) "Central Constituency" consisting of Northern Ireland; together with the counties of Clywd, Gwynedd, Powys, Cheshire, Greater Manchester, Hereford and Worcester, Lancashire, Merseyside, Salop, Staffordshire, Warwickshire and West Midlands.

(*b*) "Eastern Constituency" consisting of the counties of Bedfordshire, Cambridgeshire, Derbyshire, Leicestershire, Lincolnshire, Norfolk, Northamptonshire, Nottinghamshire and Suffolk.

(*c*) "Metropolitan Constituency" consisting of Greater London and all parts of the world outside the United Kingdom.

(*d*) "Northern Constituency" consisting of Scotland; together with the counties of Cleveland, Cumbria, Durham, Humberside, Northumberland, Tyne and Wear, North Yorkshire, South Yorkshire and West Yorkshire.

(*e*) "South Eastern Constituency" consisting of the counties of Berkshire, Buckinghamshire, Essex, Hertfordshire, Kent and Surrey.

(*f*) "South Western Constituency" consisting of the counties of Dyfedd, Mid Glamorgan, South Glamorgan, West Glamorgan, Gwent, Avon, Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Isle of Wight, Oxfordshire, Somerset, East Sussex, West Sussex and Wiltshire.

APPENDIX D

(See paragraph 8(2))

THE INSURANCE BROKERS REGISTRATION COUNCIL ELECTION SCHEME 1979

Form of Nomination Paper for Candidates for election as national members.

PART I

We, the undersigned, being registered insurance brokers hereby nominate

.....

for election to the Insurance Brokers Registration Council to represent registered insurance brokers.

Name of Nominator	No. in register	Particulars of directorships, businesses and employment (See Note 1)	Signature of Nominator

Six signatures are required, and the candidate must sign each form on which signatures are submitted.

PART II

I hereby declare that I am the person nominated in this form, that I consent to be so nominated, that I will accept office if I am duly elected and that I am a registered insurance broker qualified to be a candidate for membership of the Council.

Signature of Nominated Candidate	No. in register	Particulars of director-ships, businesses and employment (See Note 1)

NOTES:—

1. The following information is required to be given in respect of each candidate and each person nominating such candidate:—

(i) the names of all enrolled bodies corporate of which they are directors;

(ii) all business names under which they or a partnership of which they are members carry on business as insurance brokers;

(iii) the names of all enrolled bodies corporate by which they are employed or in whose businesses they are engaged;

(iv) if they are employed or engaged as an insurance broker by a registered insurance broker or a partnership of which a registered insurance broker or an enrolled body corporate is a member the name of the registered insurance broker or the partnership and any other business name under which such business is carried on.

PLEASE USE SEPARATE SHEETS IF NECESSARY

2. A person may only be nominated if he is a registered insurance broker and has not within a period of five years ending on the nomination day fixed and published under paragraph 8(1) of this Scheme been adjudged bankrupt or made any arrangement or composition with his creditors.

3. Nominations are valid only if made in this form and if received at

.....

by 5.00 p.m. on ..... except where the Returning Officer is satisfied that a nomination paper received by post not later than the first post on ..... was posted on a day at such a time that it would normally have been received not later than.....

4. A registered insurance broker may join in nominating not more candidates than there are vacancies to be filled at the election. His signature will therefore only be valid on the first such number of nomination papers received.

APPENDIX E

(See paragraph 18(3))

Forms of Declaration of Identity under Part VI of the Scheme.

1. In the case of a poll for the election of constituency members.

"..... Constituency (Central, Eastern, Metropolitan, Northern, South Eastern or South Western, as the case may be.)

My name, ... (here insert *full* name in block capitals) is in the register and my registered address is in the above constituency.

Signed ..... No. in register ....."

2. In the case of a poll for the election of national members.

"My name, ... (here insert *full* name in block capitals) is in the register.

Signed ..... No. in register ....."

APPENDIX F

(See paragraph 18(4))

THE INSURANCE BROKERS REGISTRATION COUNCIL ELECTION SCHEME 1979

Form of Voting Paper for election of constituency member.

CONSTITUENCY

(Central, Eastern, Metropolitan, Northern, South Eastern or South Western, as the case may be.)

Instructions to Voters

1. Registered insurance brokers whose registered addresses (see Note) are in the constituency mentioned above are entitled to vote only for one candidate.

2. The voter must record his vote by putting a mark thus X against the name of one only of the candidates mentioned in this voting paper.

3. The voter must then put this voting paper in the envelope marked "inner envelope", seal this envelope without making on it any distinguishing mark, complete the Declaration of Identity, put the "inner envelope" and the Declaration in the "outer envelope", seal this latter and take or send it with its contents to .....

4. If the "outer envelope" and its contents is sent by post it must be stamped. It must reach .....

by 5.00 p.m. on ..... except where the Returning Officer is satisfied that a vote received by post not later than the first post on ..... was posted on a day ..... at such a time that it would normally have been received not later than .....

5. Persons now elected hold office for 4 years from 1st December next.

Voting Paper

Names of candidates	Column for the voter's mark X

Note: "the registered address" means the address entered in the register in respect of the registered insurance broker or, until such notification is revoked, such other address as may be notified from time to time to the Registrar in accordance with paragraph 9 of the Election Scheme.

APPENDIX G

(See paragraph 18(4))

Form of List of Candidates for election as constituency members and their nominators.

THE INSURANCE BROKERS REGISTRATION COUNCIL ELECTION SCHEME 1979

Election of constituency member in the ..... Constituency (Central, Eastern, Metropolitan, Northern, South Eastern or South Western, as the case may be.)

List of Candidates and Nominators

Names and *registered addresses (and address in register if different) of candidates	Particulars of directorships, businesses and employment of candidates	Names and *registered addresses (and address in register if different) of nominators	Particulars of directorships, businesses and employment of nominators

*Note: "the registered address" means the address entered in the register in respect ot the registered insurance broker or, until such notification is revoked, such other address as may be notified from time to time to the Registrar in accordance with paragraph 9 of the Election Scheme.

APPENDIX H

(See paragraph 18(4))

Form of voting paper for election of national members.

THE INSURANCE BROKERS REGISTRATION COUNCIL ELECTION SCHEME 1979

Instructions to Voters

1. Registered insurance brokers are entitled to vote only for candidate(s).

[Insert the same number as there are vacancies to be filled at the election.]

2. The voter must record his vote by putting a mark thus X against the names of the number of candidates up to the maximum pursuant to paragraph 1 above given in the voting paper.

3. The voter must then put this voting paper in the envelope marked "inner envelope", seal this envelope without making on it any distinguishing mark, complete the Declaration of Identity, put the "inner envelope" and the Declaration in the "outer envelope", seal this latter, and take or send it with its contents to .....

4. If the "outer envelope" and its contents is sent by post it must be stamped. It must reach .....

by 5.00 p.m. on ..... except where the Returning Officer is satisfied that a vote received by post not later than the first post on ..... was posted on a day at such a time that it would normally have been received not later than .....

5. Person now elected hold office for four years (a) from 1st December next.

Voting Paper

Names of candidates	Column for the voter's mark X

(a) in the case of the first election of national members insert "two years".

APPENDIX I

(See paragraph 18(4))

Form of List of Candidates for election as national members and their nominators.

THE INSURANCE BROKERS REGISTRATION COUNCIL ELECTION SCHEME 1979

Election of national members.

List of Candidates and Nominators

Names of Candidates	Particulars of directorships, businesses and employment of candidate	Names of Nominators	Particulars of directorships, businesses and employment of nominators

APPENDIX J

(See paragraph 26)

Form of Statutory Declaration.

I, A.B., do solemnly and sincerely declare that I have paid no sum and incurred no expenditure either before, during or after the election, on account of or in respect of the conduct or management of, or in connection with, the election and, to the best of my knowledge and belief, no expenditure has, with a view to promoting or procuring my election as a candidate at the election, been incurred by any other person whether before, during or after the election; and to the best of my knowledge and belief no breach of the provisions of paragraph 27 of the Insurance Brokers Registration Council Election Scheme 1979 has been committed by me or any other person; and that I have not been a party to any bribery, treating or undue influence within the meaning of sections 99, 100 and 101 of the Representation of the People Act 1949; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

APPENDIX K

(See paragraph 28)

Sections 99, 100 and 101 of the Representation of the People Act 1949.

Bribery, treating and undue influence

Section 99: Bribery

(1) A person shall be guilty of a corrupt practice if he is guilty of bribery.

(2) A person shall be guilty of bribery if he, directly or indirectly, by himself or by any other person on his behalf—

(*a*) gives any money or procures any office to or for any voter or to or for any other person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting; or

(*b*) corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting; or

(*c*) makes any such gift or procurement as aforesaid to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at an election or the vote of any voter;

or if upon or in consequence of any such gift or procurement as aforesaid he procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any voter.

For the purposes of this subsection—

(i) references to giving money shall include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration; and

(ii) references to procuring any office shall include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.

(3) A person shall be guilty of bribery if he advances or pays or causes to be paid any money to or to the use of any other person with the intent that that money or any part thereof shall be expended in bribery at any election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

(4) The foregoing provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an election.

(5) A voter shall be guilty of bribery if before or during an election he directly or indirectly by himself or by any other person on his behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(6) A person shall be guilty of bribery if after an election he directly or indirectly by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(7) In this section the expression "voter" includes any person who has or claims to have a right to vote.

Section 100: Treating

(1) A person shall be guilty of a corrupt practice if he is guilty of treating.

(2) A person shall be guilty of treating if he corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person—

(*a*) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or

(*b*) on account of that person or any other person having voted or refrained from voting or being about to vote or refrain from voting.

(3) Every elector or proxy for an elector who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.

Section 101: Undue Influence

(1) A person shall be guilty of a corrupt practice if he is guilty of undue influence.

(2) A person shall be guilty of undue influence—

(*a*) if he, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting; or on account of that person having voted or refrained from voting; or

(*b*) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents the free exercise of the franchise of an elector or proxy for an elector, or thereby compels, induces or prevails upon an elector or proxy for an elector either to vote or to refrain from voting.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order approves an election scheme made by the Insurance Brokers Registration Council in exercise of their powers under paragraph 2(2)(*a*) of the Schedule to the Insurance Brokers (Registration) Act 1977. The scheme provides for the election of twelve members to represent registered insurance brokers on the Council. One member will be elected for each of the six constituencies described in the scheme and six members will be elected to represent registered insurance brokers generally. The elected members will succeed the members at present nominated by the British Insurance Brokers Association.