STATUTORY INSTRUMENTS

1964 No. 1972

NURSES AND MIDWIVES

The Mental Nurses Committee (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 18 and 30 of, and Schedule 3 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 the two members of the Mental Nurses Committee of the Council, who are required by the said Schedule 3 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 Mental Nurses Committee (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 the exercise of the powers conferred on them by sections 18 and 30 of, and Schedule 3 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 Mental Nurses Committee (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 Mental Nurses Committee (Election Scheme) Rules 1955(d) are hereby revoked:

   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 two members of the Mental Nurses Committee of the Council, who are required by the provisions of Schedule 3 to the Nurses Act 1957 as amended by section 14 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.

(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. 1955/402 (1955 II, p. 1686).

SCHEDULE TO THE RULES

General Nursing Council for England and Wales

Scheme made under Paragraph 2 of Schedule 3 to the Nurses Act 1957 as amended by The Nurses (Amendment) Act 1961 for the Election of Two Persons to be Members of the Mental Nurses Committee of the General Nursing Council for England and Wales.

Interpretation

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

Returning Officer

2.—(1) The Council shall at least 6 months before the date on which the elected members of the Mental Nurses Committee 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. In order to be eligible for election under this Scheme as one of the two elected persons of the Mental Nurses Committee, or to be entitled to nominate for, and take part in the election, a person must be a registered mental nurse on the date fixed by the Returning Officer under paragraph 4 of the Scheme as the last day on which nomination papers are to be received.

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 where the nomination papers are to be sent in, 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 qualification for nominating the candidate. No person may nominate more than 2 candidates.

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

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

(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 2 registered mental nurses shall be conducted as follows :—

(1) If the number of duly nominated candidates does not exceed 2, the Returning Officer shall forthwith declare such candidate or candidates to be elected.

(2) If the number of duly nominated candidates exceeds 2, 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 2), 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 such candidate of the time and place of the examination and counting.

(6) The 2 candidates having the greatest number of votes shall be declared elected by the Returning Officer. If an equality of votes is found to exist between 2 or more 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

7. 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

8. 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

9. 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

10.—(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 the election 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 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 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 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 election was so affected, a fresh election in respect of both seats on the Committee 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 2 registered mental nurses as members of the MENTAL NURSES COMMITTEE OF THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES, to represent registered mental nurses, is about to be held.

In order to be eligible for election or to be entitled to nominate for and take part in the election, a person must be a registered mental nurse (which term includes a registered nurse for the mentally subnormal) on , 19 .*

Each candidate must be nominated on a separate nomination paper, and no person may nominate more than 2 candidates.

Every nomination paper must contain the name, address and registered qualification or qualifications of the candidate 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, from whom forms of nomination papers may, on application by post or otherwise, be obtained.

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

(Date)

Returning Officer.

FORM B (*Form of nomination paper*)

We, the undersigned, being registered mental nurses (1)

hereby nominate (2) .....

of (3) .....

who is a registered mental nurse (1) and whose registration number is (4) ..... as a proper person to be elected to the Mental Nurses Committee of the General Nursing Council for England and Wales by registered mental nurses (1).

Signatures of Nominators	Address	Registered Qualification and Number

(Date)

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

(1) The term "registered mental nurse" includes a registered nurse for the mentally subnormal.

(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 may not nominate more than two candidates.

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

ELECTION OF 2 REGISTERED MENTAL NURSES TO THE MENTAL NURSES COMMITTEE OF THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

(Date)

I consent to be nominated as a candidate for election as a representative of registered mental nurses (1) to serve on the Mental Nurses Committee of the General Nursing Council for England and Wales. I declare that the statement in the nomination paper with regard to my qualification is correct.
Name in full (in BLOCK LETTERS)

Address

Registration Number Signature of Candidate.....

(1) The term "registered mental nurse" includes a registered nurse for the mentally subnormal.

FORM D

BALLOT PAPER

ELECTION OF 2 REGISTERED MENTAL NURSES AS MEMBERS OF THE MENTAL NURSES COMMITTEE OF THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

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

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

The elector must not vote for more than 2 candidates but may vote for 1 only.

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 .

FORM E (*Form of identification envelope*)

(Identification Envelope)

ELECTION OF 2 REGISTERED MENTAL NURSES TO THE MENTAL NURSES COMMITTEE

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 for mental nurses and that I have not marked any other ballot paper in this 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 two members of the Mental Nurses Committee of the General Nursing Council for England and Wales who are required to be elected by virtue of the provisions of Schedule 3 to the Nurses Act 1957. The minor changes made are mainly those required as a result of the Nurses (Amendment) Act 1961.