The Nurses (General Nursing Council Election Scheme) Rules, Approval Instrument, 1950

1950 No. 166

Made - - - -	30*th January*, 1950
Laid before Parliament	31*st January*, 1950
Coming into Operation	1*st February*, 1950

M.H. 110116.

Whereas the General Nursing Council for England and Wales have, in pursuance of their powers under section 20 of, and the First Schedule to, the Nurses Act, 1949(a), made rules prescribing the scheme of election of members of the Council required by the said First Schedule 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 his powers under section 20 of the Nurses Act, 1949, 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 Nurses (General Nursing Council Election Scheme) Rules, Approval Instrument, 1950, and shall come into operation on the first day of February, 1950.

SCHEDULE

THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

THE NURSES ACT, 1949

The General Nursing Council for England and Wales in the exercise of their powers under section 20 of, and the First Schedule to, the Nurses Act, 1949, hereby make the following Rules :—

1. These Rules may be cited as the Nurses (General Nursing Council Election Scheme) Rules, 1950.

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

3. The members of the General Nursing Council for England and Wales required by the provisions of the First Schedule to the Nurses Act, 1949, to be elected, shall be elected in accordance with the Scheme set out in the Schedule to these Rules.

(a) 12, 13 & 14 Geo. 6. c. 73. (b) 52 & 53 Vict. c. 63.

SCHEDULE TO THE RULES

GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

SCHEME MADE UNDER PARAGRAPH 4 OF THE FIRST SCHEDULE TO THE NURSES ACT, 1949, FOR THE ELECTION OF SEVENTEEN PERSONS TO BE MEMBERS OF THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES.

Interpretation

1.—(1) Expressions used in this Scheme have the same meanings as in the Rules made by the Council under the Nurses Acts, 1919 to 1949.

(2) The expression "area" means one of the fourteen 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 the First Schedule to the Nurses Act, 1949.

Returning Officer

2.—(1) The Council shall at least six months before the date on which their elected members cease to hold office appoint a person, not being a member of the Council, 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, 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 by 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 first and second 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 third column of the table.

TABLE

Number of persons to be elected	Qualifications of persons to be elected	Qualifications of persons entitled to nominate and take part in election
14 (one from each area)	Registered nurses (i.e. nurses registered in the general part of the Register) or registered male nurses, who on the date of the election 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 nurses (i.e. nurses registered in the general part of the Register), registered male nurses and registered fever nurses.
1 1	Registered mental nurse, being a man Registered mental nurse, being a woman	Registered mental nurses.
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 of the election.

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 twenty-eight 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 two 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 by a separate nomination paper signed by not fewer than six persons having the requisite qualifications for nominating the candidate.

(2) Each nomination paper shall state 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 the persons 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) Any person having the requisite qualifications for nominating a candidate may nominate any number of candidates not exceeding the number to be elected.

(4) Every nomination paper shall, before twelve noon of the last day fixed for the receipt of nomination papers, be delivered by post or otherwise to the Returning Officer, General Nursing Council for England and Wales, 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 twelve noon of the last day fixed for the receipt of nomination papers, shall be invalid. Provided that no misnomer or inaccurate or incomplete description of any person or place named in any nomination paper shall invalidate that paper if, in the opinion of the Returning Officer, the description of the person or place is such as to be commonly understood.

Conduct of Election

6. The election of the fourteen persons to represent registered nurses, registered male nurses, and registered fever 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 one, 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 the number to be elected, the Returning Officer shall cause ballot papers and identification envelopes to be prepared. Ballot papers shall contain the names, addresses and registered qualification or qualifications of all the persons nominated, and state the last day on which ballot papers may be received, and the place to which they are to be returned, and the identification envelope shall bear a declaration of identity.

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

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

(4) Each elector shall mark the ballot paper delivered to her with a **X** against the name or names of the person or persons (not exceeding the number of persons to be elected), for whom she intends to vote, and shall place her ballot paper folded face inwards in the appropriate 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 twelve noon on the last day fixed for the receipt of ballot papers, shall be invalid.

(5) The Returning Officer, immediately after the last day fixed for the receipt of ballot papers, shall cause the validity of the votes to be ascertained by an examination of the identification envelopes and by such other evidence, if any, as he may think necessary, and shall cause such of the identification envelopes as are found to be valid to be opened, and the ballot papers withdrawn, kept folded face inwards, and placed in a ballot box. When all the ballot papers have been transferred to the ballot box they shall be examined and counted, and the number of valid votes given for each candidate shall be ascertained. Any candidate, or agent appointed by her to represent her, may be present during the examination of the identification envelopes and the counting of the ballot papers.

(6) In each of the fourteen 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 nurses shall apply with the necessary modifications to the election of persons representing respectively registered mental nurses and registered sick children's nurses.

Powers of Returning Officer

8.—(1) 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.

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

Notice of Result of Election

9. The Returning Officer shall forthwith give to every person elected written notice of her 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.

APPENDIX

FORM A (*Notice of election*)

Nurses Act, 1949

Notice is hereby given that pursuant to the *Nurses Act, 1949*, an election of seventeen 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
14 (one from each area)	Registered nurses (i.e. nurses registered in the general part of the Register) or registered male nurses, who on the date of the election 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 nurses (i.e. nurses registered in the general part of the Register), registered male nurses and registered fever nurses.
1 1	Registered mental nurse, being a man Registered mental nurse, being a woman	} Registered mental nurses.
1	Registered sick children's nurse ...	Registered sick children's nurses.

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 of the election.

Each candidate must be nominated by a separate nomination paper.

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

Every nomination paper must state the name, address and registered qualification or qualifications, and other requisite qualifications if any, of the candidate nominated; it must be signed by not fewer than six 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 twelve noon on the day of , 19 , addressed to the Returning Officer, The General Nursing Council for England and Wales, 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 twelve noon on the day of , 19 , will be invalid.

(Date) Returning Officer.

FORM B

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

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 male nurses, or in the part of the Register for fever nurses hereby nominate .....(1)
of .....(2)
who is registered in the .....(3)
and whose registration number is .....(4)
and who is employed at .....(5)
where he or she is engaged in (*a*) nursing .....(6)
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, ...
.....(7)
in the area in respect of which he or she is nominated, i.e. area .....(8)
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, in the part of the Register for male nurses 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

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 " general part of the Register " *or* " part of the Register for male nurses " as the case may be.
(4) Here insert candidate's registration number.
(5) Here insert candidate's place of employment, and its postal address.
(6) Here insert candidate's present post.
(7) If the candidate is not actually employed in nursing, then state briefly the nature of the work in which he or she is engaged.
(8) Here insert description of area as determined for election purposes.

N.B.—Only a nurse registered in the general part of the Register or in the part of the Register for male nurses 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 male nurses, 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 male nurses 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 male nurses and in the part of the Register for fever nurses.

BALLOT PAPER I

Election of fourteen registered nurses

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

N.B.—Nurses registered in the general part of the Register, in the part of the Register for male nurses, 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 candidates 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 such elector may be afterwards identified, the whole ballot paper will be null and void and will not be counted.

This paper must be folded face inwards and placed in the identification envelope, which must be signed by the elector in the place marked for that purpose, securely fastened and placed in a covering envelope, which must then be sent by post or otherwise to the Returning Officer, General Nursing Council for England and Wales, 23, Portland Place, London, W.1, and must be received there before the hour of twelve noon on the day of , 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 one female mental nurse, or more than one male mental nurse. If the elector places any mark on this ballot paper by which such elector may be afterwards identified, the whole ballot paper will be null and void and will not be counted.

This paper must be folded face inwards and placed in the identification envelope, which must be signed by the elector in the place marked for that purpose, securely fastened and placed in a covering envelope, which must then be sent by post or otherwise to the Returning Officer, General Nursing Council for England and Wales, 23, Portland Place, London, W.1, and must be received there before the hour of twelve noon on the day of , 19 .

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

BALLOT PAPER III

Election of one 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 one candidate or places any mark on this ballot paper by which such elector may be afterwards identified, the ballot paper will be null and void and will not be counted.

This paper must be folded face inwards and placed in the identification envelope, which must be signed by the elector in the place marked for that purpose, securely fastened and placed in a covering envelope, which must then be sent by post or otherwise to the Returning Officer, General Nursing Council for England and Wales, 23, Portland Place, London, W.1, and must be received there before the hour of twelve noon on the day of , 19 .

FORM E (*Form of identification envelope*)

GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

(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)

Seal

Dorothy M. Smith,
Chairman of the Council.

The Seal of the General Nursing Council for England and Wales was hereunto affixed this 27th day of January, 1950.

M. Henry,
Registrar.

Given under the official seal of the Minister of Health this thirtieth day of January, nineteen hundred and fifty.

L.S.

Aneurin Bevan,
Minister of Health.

EXPLANATORY NOTE

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

The rules prescribe the Scheme of election for members of the General Nursing Council for England and Wales who are required to be elected by virtue of the provisions of the First Schedule to the Nurses Act, 1949.

The system, in accordance with which the election of the fourteen nurses mentioned in paragraph 2 (1) (*a*) of that Schedule, is to be conducted, is that provided for in paragraph 4 (*a*) thereof, i.e. the assignment to each of the electors of one vote in respect of each area into which England and Wales is divided for the purposes of the election.