The Nurses (General Nursing Council for Scotland Mental Nurses Committee Election Scheme) Rules, 1950, Approval Instrument, 1950

1950 No. 1415 (S. 104)

Made - - - -	21*st August*, 1950
Laid before Parliament	23*rd August*, 1950
Coming into Operation	24*th August*, 1950

Whereas the General Nursing Council for Scotland have, in exercise of their powers under section 17 of, and the Third Schedule to, the Nurses (Scotland) Act, 1949(a), made Rules prescribing the scheme of election of the two members of the Mental Nurses Committee of the Council to be established under the provisions of section 7 of the said Act, who are required by the said Third Schedule to be elected, and have submitted the said Rules to the Secretary of State for his approval:

Now, therefore, in exercise of the powers conferred on me by section 17 of the Nurses (Scotland) Act, 1949, and of all other powers enabling me in that behalf, I hereby approve the said Rules in the form set out in the schedule hereto.

This instrument may be cited as the Nurses (General Nursing Council for Scotland Mental Nurses Committee Election Scheme) Rules, 1950, Approval Instrument, 1950, and shall come into operation on the 24th day of August, 1950.

Dated this 21st day of August, 1950.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

GENERAL NURSING COUNCIL FOR SCOTLAND

THE NURSES (SCOTLAND) ACT, 1949

The General Nursing Council for Scotland in exercise of their powers under section 17 of, and the Third Schedule to, the Nurses (Scotland) Act, 1949 (12, 13 and 14 Geo. 6. Ch. 95), hereby make the following Rules:—

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

2. The Interpretation Act, 1889 (52 and 53 Vict. C. 63), applies to the interpretation of these Rules as it applies to the interpretation of an Act of

(a) 12, 13 & 14 Geo. 6. c. 95.

Parliament, and in these Rules, unless the context otherwise requires, the feminine gender includes the masculine.

3. The two members of the Mental Nurses Committee required by the provisions of the Third Schedule to the Nurses (Scotland) Act, 1949, to be elected, shall be elected in accordance with the Scheme set out in the Schedule to these Rules.

SCHEDULE TO THE RULES

General Nursing Council for Scotland

Scheme made under Paragraph 2 of the Third Schedule to the Nurses (Scotland) Act, 1949, for the election of two persons to be members of the Mental Nurses Committee.

Interpretation

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

Date of Election

2. The first election shall take place on the eighth day of February, 1951, and subsequent elections shall take place on the last Thursday of January in every fifth year thereafter.

Returning Officer

3.—(1) The Council shall at least five months before the date of the election appoint a person, not being a member of the Council, to be the Returning Officer.

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

4.—(1) Two members shall be elected, one of whom shall be a registered mental nurse and shall be nominated and elected by persons who are registered mental nurses, and the other of whom shall be a registered nurse for mental defectives and shall be nominated and elected by persons who are registered nurses for mental defectives. Each person to be elected shall be engaged in Scotland in nursing or in other work for which the employment of a registered mental nurse or registered nurse for mental defectives is required or is commonly employed.

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

Publication of Notice of Election

5. The Returning Officer shall fix the last day on which nomination papers are to be received, and at least twenty-eight clear days before the day so fixed shall cause a notice of the election to be published, specifying the number and qualifications of persons to be elected, the place to which the nomination papers are to be sent, and the last day on which they are to be received. The notice

shall be, as nearly as may be, in the form marked A in the Appendix to this Scheme, and shall be published once in at least two recognised journals circulating among nurses, and in a daily newspaper published in each of the following places, namely: Edinburgh, Glasgow, Aberdeen and Dundee.

Nomination

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

(2) Each nomination paper shall state the name, address and registered qualifications 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 form marked B in the Appendix to this Scheme.

(3) 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 Scotland, 5 Darnaway Street, Edinburgh, 3, 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

7. The election of the registered mental nurse to be elected under this Scheme shall be conducted in the following manner:—

(1) If only one candidate is nominated, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more than one candidate is nominated, the Returning Officer shall cause ballot papers and identification envelopes to be prepared. Ballot papers shall contain the names, addresses and professional status 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 of the person for whom she intends to vote, and shall place her ballot paper folded face inwards in the identification envelope, and securely fasten the same. The elector shall sign the declaration printed on the said envelope, place it inside a covering envelope, and send it by post 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 the candidate in writing to represent her, may be present during the examination of the identification envelopes and the counting of the ballot papers.

(6) The candidate having the greatest number of votes shall be declared elected by the Returning Officer. If an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any of such candidates to be declared elected, the Returning Officer shall determine by lot which of the candidates whose votes are equal shall be declared elected.

8. The foregoing provisions with regard to the conduct of the election of a registered mental nurse shall apply with the necessary modifications to the election of a person to represent registered nurses for mental defectives.

Powers of Returning Officer

9.—(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, miscount, non-delivery, loss or miscarriage did not affect the result of the election: Provided that any unsuccessful candidate or her agent may, within fourteen days after the declaration by the Returning Officer of the result of the election, appeal to the Secretary of State for Scotland against a Certificate given by the Returning Officer under this sub-paragraph, and the decision of the Secretary of State for Scotland shall be final.

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

Notice and Publication of Result of Election

10. The Returning Officer shall forthwith give to each person elected written notice of her election, and shall furnish the Council with the names of the two persons certified by him to have been duly elected, showing the number of votes cast for each of such persons. The Returning Officer shall also publish the names and addresses of the two elected candidates in the journals and newspapers specified in paragraph 5 of this Scheme.

Secrecy of Ballot

11. 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 (SCOTLAND) ACT, 1949

Notice is hereby given that in terms of the Nurses (Scotland) Act, 1949, an election of two members of the Mental Nurses Committee of the General Nursing Council for Scotland is about to be held.

One of the members to be elected shall be a registered mental nurse and shall be nominated and elected by persons who are registered mental nurses, and the other member to be elected shall be a registered nurse for mental defectives and shall be nominated and elected by persons who are registered nurses for mental defectives. Each person to be elected shall be engaged in Scotland in nursing or in other work for which the employment of a registered mental nurse or registered nurse for mental defectives is required or is commonly employed.

In order to be eligible for election under this Scheme a person must have the requisite qualifications on the date of nomination and on the date of the election.

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

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

Each candidate must be nominated by a separate nomination paper.

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

The nomination paper must be accompanied by a declaration in writing signed by the person nominated, acknowledging that he or 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 Scotland, 5 Darnaway Street, Edinburgh, 3.

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.

Nomination papers may be obtained on application to the Registrar, The General Nursing Council for Scotland, 5 Darnaway Street, Edinburgh, 3.

Returning Officer.

(Date.)

FORM B (NOMINATION PAPER)

GENERAL NURSING COUNCIL FOR SCOTLAND

Election of Direct Representatives to the Mental Nurses Committee

Nomination Paper

We, the undersigned, being registered.....
.....(1)
hereby nominate.....(2)
of .....(3)
who is a registered.....(1)
and whose registration number is.....(4)
as a proper person to be elected to the Mental Nurses Committee by registered
.....(1)

Signatures of Nominators	Addresses	Registered Qualifications and Numbers

(Date.)

(1) Here insert the words "Mental Nurse(s)" or "Nurse(s) for Mental Defectives", 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 shall not nominate a registered mental nurse unless he or she is himself or herself a registered mental nurse, and similarly a nurse shall not nominate a registered nurse for mental defectives unless he or she is himself or herself a registered nurse for mental defectives.

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

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

Nomination papers should, except for the signatures of nominators, be completed in block capitals.

FORM C

(DECLARATION OF CONSENT BY THE CANDIDATE NOMINATED)

GENERAL NURSING COUNCIL FOR SCOTLAND

Election of Direct Representatives to the Mental Nurses Committee

(Date.)

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

USUAL SIGNATURE

FULL NAME

ADDRESS

REGISTRATION NUMBER

(1) Here insert the words "Mental Nurses" or "Nurses for Mental Defectives", as the case may be.

FORM D (BALLOT PAPER)

GENERAL NURSING COUNCIL FOR SCOTLAND

Election of Direct Representatives to the Mental Nurses Committee

BALLOT PAPER

for

Election of one Registered Mental Nurse.

Elector's Mark X	Name of Candidate Nominated	Address	Professional Status

N.B.—The registered Mental Nurse voting must put a mark thus, X, against the name of the candidate for whom he or 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 Scotland, 5 Darnaway Street, Edinburgh, 3, and must be received there before the hour of twelve noon on the day of , 19 .

N.B.—The Ballot Paper for the election of one registered nurse for mental defectives shall be in the same form as the above, the words "registered nurse for mental defectives" being substituted for the words "registered mental nurse", where required.

FORM E (IDENTIFICATION ENVELOPE)

GENERAL NURSING COUNCIL FOR SCOTLAND

(Identification Envelope)

Election of Direct Representatives 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 registered mental nurse/nurse for mental defectives*, and that I have not marked any other ballot paper in this election.

(Signature)

* Delete qualification which is inapplicable.

Made by the General Nursing Council for Scotland this Twenty-first day of July, 1950.

(L.S.)

Ruth H. Pecker,
Registrar,
General Nursing Council for Scotland.

5 Darnaway Street,
Edinburgh, 3.

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 of the two members of the Mental Nurses Committee of the General Nursing Council for Scotland to be established under the provisions of section 7 of the Nurses (Scotland) Act, 1949, who are required to be elected by virtue of the provisions of the Third Schedule to the Nurses (Scotland) Act, 1949.

GENERAL RULES

The General Nursing Council for Scotland (Amendment) Rules, 1950, Approval Instrument, 1950

1950 No. 941 (S. 64)

Made - - - -	*7th June,* 1950
Laid before Parliament	*9th June,* 1950
Coming into Operation	10*th June,* 1950

Whereas the General Nursing Council for Scotland, in exercise of the powers conferred upon them by section 3 of the Nurses Registration (Scotland) Act, 1919(**a**) and in pursuance of the provisions of section 9 (1) of the Nurses (Scotland) Act, 1949(**b**), on the twenty-eighth day of April, 1950, made The General Nursing Council for Scotland (Amendment) Rules, 1950, and have submitted the said Rules to the Secretary of State for approval:

Now, therefore, in exercise of the powers conferred on me by section 17 of the Nurses (Scotland) Act, 1949, and of all other powers enabling me in that behalf, I hereby approve the said Rules in the form set out in the schedule hereto.

This Instrument may be cited as the General Nursing Council for Scotland (Amendment) Rules, 1950, Approval Instrument, 1950, and shall come into operation on the 10th day of June, 1950.

Dated this 7th day of June, 1950.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) 9 & 10 Geo. 5. c. 95. (b) 12, 13 & 14 Geo. 6. c. 95.