STATUTORY INSTRUMENTS

1970 No. 706 (S.52)

EDUCATION, SCOTLAND

The Teaching Council (Scotland) Election Scheme 1970 Approval Order 1970

Made - - - -	*6th May* 1970
Laid before Parliament	*15th May* 1970
Coming into Operation	*16th May* 1970

Whereas the General Teaching Council for Scotland have, in exercise of their powers under paragraph 1(6) of Part I of Schedule 1 to the Teaching Council (Scotland) Act 1965(a), as amended by the Teaching Council (Scotland) Act 1965 (Amendment of Constitution of the Council) Order 1970(b), made the Teaching Council (Scotland) Election Scheme 1970 which makes provision for the election of certain categories of members of the said Council and have submitted the said scheme to me for approval;

Now, therefore, in exercise of the powers conferred on me by paragraph 1(8) of Part I of the said Schedule, and of all other powers enabling me in that behalf, I hereby make the following order:—

1. This order may be cited as the Teaching Council (Scotland) Election Scheme 1970 Approval Order 1970, and shall come into operation on 16th May 1970.

2. The Teaching Council (Scotland) Election Scheme 1970, which is set out in the Schedule to this order, is hereby approved.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

6th May 1970.

(a) 1965 c. 19.

(b) S.I. 1970/523 (1970 I, p. 1724).

SCHEDULE

THE TEACHING COUNCIL (SCOTLAND) ELECTION SCHEME 1970

Scheme for the Election of Registered Teachers to the General Teaching Council for Scotland made under Schedule 1, Part I of the Teaching Council (Scotland) Act 1965 (as amended)

Interpretation

1.—(1) The Interpretation Act 1889(a) shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

(2) In this Scheme, unless the context otherwise requires, any reference to any enactment shall be construed as a reference to the said enactment as amended by any subsequent enactment or to any enactment substituted for that enactment.

Definitions

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

"the Act" means the Teaching Council (Scotland) Act 1965;

"arbiter" means the person appointed on or before the 31st day of October in each election year by the Sheriff of the Lothians and Peebles at Edinburgh on the application of the Council;

"the Council" means the General Teaching Council for Scotland constituted under section 1 of the Act;

"election year" means the year 1970 and every fourth year thereafter;

"register" means the register established by the Council under section 6 of the Act and "registered" shall be construed accordingly;

"Registrar" means the registrar employed by the Council under paragraph 14(1) of Part II of Schedule 1 to the Act;

"Returning Officer" means a person appointed as returning officer under paragraph 4 of this Scheme and includes a Deputy Returning Officer so appointed;

"teacher" means a registered person whether in employment as a teacher or not and includes a conditionally registered person employed as a teacher in a further education centre but does not include any other conditionally registered person;

(2) Unless the context otherwise requires, any reference to a "category of employment" shall be construed as a reference to a category of educational establishment mentioned in paragraph 1(2) of Part I of Schedule 1 to the Act and any reference, in relation to a person, to his category of employment shall be construed as a reference to that one of the said categories of educational

(a) 1889 c. 63.

establishment in which he is employed, or which he has chosen as his category for purposes of the election, as provided for in Article 3(3)(*b*) below.

Notification of election

3.—(1) The Registrar shall notify every teacher twice within an election year, the first occasion being not later than 30th April and the second not later than 15th June, that an election of twenty-six teachers to be members of the Council will take place later that year.

(2) The first notification may be given by bulletin, circular or otherwise and the second notification shall be in writing in the form as nearly as may be of Form A in the Appendix to this Scheme.

(3) The Registrar shall secure so far as reasonably practicable that every teacher—

(*a*) is informed of his category of employment; and

(*b*) is given the opportunity to verify this category or to request that an amendment be made thereto stating the grounds for amendment;

and the Registrar shall, if he is satisfied with the grounds for amendment, change the category in accordance with the request.

Returning officer

4.—(1) The Council shall, at least six months before the date on which an election is to take place in an election year, appoint a person, not being a member of the Council or a teacher, to be the Returning Officer for the ensuing election.

(2) The Council shall at the same time also appoint a Deputy Returning Officer, not being a member of the Council or a teacher, to act for the Returning Officer in the event of his absence or inability to act.

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

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

Voting categories

5. For the purposes of an election under this Scheme—

(*a*) there shall be four voting categories each of which bears the number specified in relation thereto in column (1) of the following Table and corresponds to that one of the categories of educational establishment mentioned in paragraph 1(2) of Schedule 1 to the Act which is specified in relation thereto in column (2) of the said Table;

(*b*) the teachers eligible to stand for election in a voting category, who shall not include conditionally registered teachers, are those specified in relation to that category in column (3) of the said Table; and

(*c*) the number of Council members to be elected in a voting category are those specified in relation thereto in column (4) of the said Table:—

TABLE

(1) *No. of Voting Category*	(2) *Category of employment*	(3) *Teachers eligible to stand for election*	(4) *No. of Council Members to be elected in voting category*
I	Colleges of Education	Teachers other than Principals employed in colleges of education	1
II	Further education centres	All teachers employed in further education centres	3
III	Secondary schools and departments	All teachers employed in secondary schools and departments	11
IV	Primary schools and departments	All teachers employed in primary schools departments	11
		Total	26

Qualifications of Candidates and Electors

6.—(1) *Candidates*

(*a*) Only teachers employed on a whole-time basis on 1st September of an election year in post in a category of employment shall be eligible to be nominated for election for that category;

(*b*) for the purposes of any election under this Scheme, a candidate for election shall be taken to belong to the category of employment appearing against his name on the register on 1st September in each election year;

(*c*) a teacher who shall have attained the age of 70 years on 1st February of the year succeeding an election shall not be eligible to be nominated for election.

(2) *Electors*

An elector must be a teacher whose name is on the register on 15th October in an election year.

Publication of notice of election

7.—(1) The Council shall fix 30th September in an election year and, if this falls on a Saturday or Sunday, the preceding Friday as the last day on which nomination papers are to be accepted 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 of members to be elected, the place to which nomination papers are to be sent and the latest time by which they are to be accepted.

(2) The said notice shall be in the form as nearly as may be of Form A in the Appendix to this Scheme and shall be published once in a daily newspaper circulated in each of the following places, namely, Aberdeen, Dundee, Edinburgh,

Glasgow, and such other places as the Council may determine, and in such periodical journals as the Council may determine.

Nomination

8.—(1) Each candidate for election shall be nominated on a separate nomination paper signed by a proposer and seconder being teachers in his category of employment and supported by twenty others in the same category at the date of signature.

(2)(*a*) Each nomination paper shall be in the form as nearly as may be of Form B in the Appendix to this Scheme and shall state only the name and private address of the nominated candidate, the educational establishment in which he is employed and his category of employment, and also the names and registered numbers of the proposer, seconder and the twenty other supporters.

(*b*) The nomination paper shall also be signed by the nominee to signify his willingness to be nominated and to confirm that he is employed both in the educational establishment and in the category of employment specified in the nomination paper and that the other particulars so specified are correct.

(3) Any person having the requisite qualifications for nominating or supporting a candidate may nominate or support any number of candidates not exceeding the number to be elected.

(4)(*a*) Every nomination paper shall, by twelve noon on the last day fixed under article 7 above for the receipt of nomination papers, be delivered whether by post or otherwise to the Returning Officer, the General Teaching Council for Scotland, 140 Princes Street, Edinburgh EH2 4BS, or such other address as may be fixed by the Council.

(*b*) 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 by twelve noon of the last day fixed for the receipt of nomination papers shall be null and void:

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.

(5) The Returning Officer shall, within three days after the last day fixed under Article 7 above for the receipt of nomination papers, send a list of the nominated candidates in each category to the candidates in that category and any candidate may within seven days of the dispatch of such list intimate to the Returning Officer in writing that he does not wish to stand for the election and that his nomination is to be withdrawn and any such intimation to the Returning Officer shall be final.

(6) If a candidate validly nominated changes his category of employment or dies at or before the last time fixed for the sending in of nomination papers or after that time but before the poll his nomination shall be treated as having been withdrawn.

Roll of electors

9.—(1) The roll of electors in an election year shall consist of the teachers on the register on 15th October of that year.

(2)(*a*) Subject to sub-paragraphs (*e*) and (*f*) below the voting in Voting Category I of the election shall be confined to teachers who are employed in colleges of education on 15th October in an election year.

(*b*) Subject to sub-paragraphs (*e*) and (*f*) below the voting in Voting Category II shall be confined to teachers who are employed in further education centres on 15th October in an election year.

(*c*) Subject to sub-paragraphs (*e*) and (*f*) below the voting in Voting Category III shall be confined to teachers who are employed in secondary schools or departments on 15th October in an election year.

(*d*) Subject to sub-paragraphs (*e*) and (*f*) below the voting in Voting Category IV shall be confined to teachers who are employed in primary schools or departments on 15th October in an election year.

(*e*) A teacher employed on 15th October in an election year in two or more categories of employment may vote in one only of the corresponding voting categories, namely the category appearing against his name on the register.

(*f*) A teacher who on 15th October in an election year is not employed in any of the categories of employment mentioned in sub-paragraphs (*a*) to (*d*) above may, notwithstanding, vote in respect of one of those categories if he has been employed at any time in that category or if he holds a qualification which would enable him to be employed as a teacher in that category.

Conduct of the election

10. The election of the persons to represent teachers shall be conducted in the following manner:—

(1) If the number of duly and properly nominated candidates in a category does not exceed the number of persons to be elected in that category the Returning Officer shall forthwith declare the said candidates to be elected.

(2) If the number of duly and properly nominated candidates in a category exceeds the number of persons to be elected in that category the Returning Officer shall cause ballot papers and identification envelopes to be prepared.

(3) The ballot paper for a category shall be in the form as nearly as may be of Form C in the Appendix to this Scheme and shall contain only the names, addresses and places of employment of all the persons duly and properly nominated as candidates for that category, shall state the last day and time by which the ballot paper may be received and the place to which it is to be returned.

(4) The identification envelopes shall be in the form as nearly as may be of Form D in the Appendix to this Scheme.

(5) The Returning Officer shall, at least twenty-one days prior to the last time fixed for the receipt of ballot papers, such time being not later than twelve noon on 30th November, cause to be forwarded by post to each person qualified to take part in the election at his registered address a ballot paper appropriate to the category of the person together with an identification envelope and each teacher shall be entitled to receive one ballot paper appropriate to his category or where he has two or more categories, the category chosen under Article 9(2)(*e*) above, and one identification envelope, and it shall not be lawful to vote otherwise than by using the ballot paper provided by the Returning Officer.

(6)(*a*) Each elector shall

(i) vote by marking the ballot paper delivered to him with an 'X' against the name or names of the person or persons (not exceeding the number of persons to be elected) for whom he votes and should place his ballot paper folded face inwards in the appropriate identification envelope and should seal this securely; and

(ii) sign the declaration printed on the said envelope, place the said envelope inside a covering envelope which should then be sealed and sent by post or otherwise to the Returning Officer.

(*b*) 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 he may be afterwards identified or which is not received by the Returning Officer by twelve noon on the last day fixed for the receipt of ballot papers shall be null and void.

(7)(*a*) The Returning Officer immediately after the last time 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 separate ballot box dependent upon the category in which the said vote is appropriate.

(*b*) When all the ballot papers have been transferred to the ballot boxes, they shall be examined and counted and the number of valid votes given for each candidate shall be ascertained.

(*c*) Any candidate or any agent appointed by him may be present during the examination of the identification envelopes and the counting of the ballot papers.

(8) The appropriate number of candidates in each category having the greatest number of votes shall be declared elected by the Returning Officer. In this paragraph "appropriate number" in relation to a category means the number specified in column (4) of the Table in Article 5 above in relation to that category. If the same number of votes has been cast in favour of two or more candidates and the addition of a vote would entitle any of such candidates to be elected, the Returning Officer shall determine by lot which of the candidates whose votes are equal shall be declared elected.

(9) At the time of the declaration of the result of the election the Returning Officer shall intimate the name and address of the arbiter to whom any appeal under Article 11(2) below may be made.

Powers of returning officer

11.—(1) Any question arising with regard to the validity of a nomination or a ballot paper or otherwise in connection with any election shall be determined by the Returning Officer.

(2) No election shall be invalidated by reason of misdescription or non-compliance with the provisions of this Scheme, or by reason of any miscount or of the non-delivery, loss or miscarriage in the course of post of any document required under this Scheme to be dispatched by post, if the Returning Officer

certifies in writing that the election was conducted substantially in accordance with the provisions of this Scheme and if 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 his agent may within fourteen days after the declaration by the Returning Officer of the result of the election appeal to the arbiter against a certificate given by the Returning Officer under this sub-paragraph and the decision of the arbiter 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 election unless there shall have been an appeal as provided for under sub-paragraph (2) above, in which event the arbiter shall order the destruction of the said envelopes and ballot papers as soon as may be after the appeal is disposed of.

Notice and publication of results of election

12. The Returning Officer shall—

(*a*) forthwith give to every person elected notice in writing of his election and shall furnish the Registrar with a list of the persons certified by him to be duly elected showing the number of votes cast for each of the said persons; and

(*b*) publish the names and addresses of the elected candidates in the same newspapers and other periodicals as those in which the election notice was published under Article 7 of this Scheme.

Secrecy of ballot

13. 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 persons any information as to the manner in which any elector has recorded his vote.

DAVID LEES

..... Chairman.

GEORGE D GRAY

..... Registrar.

140 Princes Street,
EDINBURGH.
10th April 1970.

APPENDIX

FORM A

NOTICE OF ELECTION

TEACHING COUNCIL (SCOTLAND) ACT 1965

THE GENERAL TEACHING COUNCIL FOR SCOTLAND

Notice is hereby given that pursuant to the Teaching Council (Scotland) Act 1965 as amended an election of twenty-six members of the General Teaching Council for Scotland to represent the teachers who are on the Register of that Council is about to be held.

Each teacher to be elected shall be:—

(*a*) a registered or provisionally registered teacher but not a conditionally registered teacher,

(*b*) in post in one or other of the categories (set out in the table below) on a whole-time basis on 1st September of the election year, and

(*c*) under 70 years of age on 1st February of

The following table shows for each voting category the numbers, and categories of employment of the teachers to be elected, and the qualifications of the persons entitled to nominate each candidate and to vote in the election:—

TABLE

(1) *No. of Voting* Category	(2) *No. of Council Members to be elected*	(3) *Categories of Employment*	(4) *Qualifications of persons entitled to nominate candidates and vote in the election*
I	One	I Colleges of Education	Registered teachers employed in colleges of education
II	Three	II Further Education Centres	Registered teachers employed in further education centres
III	Eleven	III Secondary Schools and Departments	Registered teachers employed in secondary schools and departments other than conditionally registered teachers
IV	Eleven	IV Primary Schools and Departments	Registered teachers employed in primary schools and departments other than conditionally registered teachers

N.B. Registered teachers (*a*) employed in more than one category of employment, or (*b*) not serving as teachers will vote in the Voting Category for which they have intimated an option and which corresponds to an appropriate entry in the Register.

Each candidate for election shall be nominated on a separate nomination paper. Each nomination paper shall state only the name, address and place of employment and the category of employment of the nominated candidate. It shall be signed by two teachers in his category of employment and supported by twenty others in the same category. The twenty-two signatories shall give their registration numbers.

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

The nomination papers shall be signed by the nominee signifying his willingness to be nominated and that his particulars are correct, and must be delivered by post or otherwise not later than twelve noon on the day of 19 to the Returning Officer, General Teaching Council for Scotland, 140 Princes Street, Edinburgh EH2 4BS.

Every nomination paper in respect of which any requirement has not been complied with or which is not received at the address given above by twelve noon on the said day of 19 shall be null and void.

Nomination papers may be obtained on application to the Returning Officer at the above address.

(Date).....(Signed).....Returning Officer

FORM B

FORM OF NOMINATION PAPER

N.B. A teacher shall be nominated only by teachers in his own category

WE, THE UNDERSIGNED, being teachers registered or provisionally registered or, in the case of teachers employed in further education centres, conditionally registered with the General Teaching Council for Scotland as

Teachers employed in a College of Education (Category I)
Teachers employed in a Further Education Centre (Category II)
Teachers employed in a Secondary School or Department (Category III)
Teachers employed in a Primary School or Department (Category IV)

Delete so as to leave your category only.

HEREBY NOMINATE

(BLOCK CAPITALS)

Mr./Mrs./Miss .....

Private Address .....

.....

Educational establishment in which employed and category of employment .....

.....

.....

Registration No.....

(*Insert full name of candidate, private address, educational establishment in which employed with full postal address, and registration number.*)

WHO IS REGISTERED IN CATEGORY.....
as a proper person to be elected to the General Teaching Council as representing Category.....

Proposer	*Seconder*
Name	Name .....
Registration Number	Registration Number .....
Signature	Signature .....

Supporters

Signature	*Reg. No.*	*Signature*	*Reg. No.*
1.	.....	11.	.....
2.	.....	12.	.....
3.	.....	13.	.....
4.	.....	14.	.....
5.	.....	15.	.....
6.	.....	16.	.....
7.	.....	17.	.....
8.	.....	18.	.....
9.	.....	19.	.....
10.	.....	20.	.....

I consent to be nominated as a candidate for election as a representative of the teachers registered in Category..... to serve on the General Teaching Council. I declare that the statements in this nomination paper with regard to my candidature are correct.

(Signed).....

(Date).....

FORM C

BALLOT PAPER

Election to the General Teaching Council for Scotland by teachers registered in Category.....

Elector's Mark		*Name of Candidate*	*Address of Candidate*	*Educational Establishment in which employed*
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			

The electors must put a mark thus 'X' against the name(s) of the candidate(s) for whom he votes.

The elector must not vote for more than ( ) candidates. If he does so his ballot paper will be null and void. (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 ballot paper will be null and void.

This paper should 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 Teaching Council for Scotland, 140 Princes Street, Edinburgh EH2 4BS and must be received there by twelve noon on the day of 19 .

FORM D

FORM OF IDENTIFICATION ENVELOPE

GENERAL TEACHING COUNCIL FOR SCOTLAND
ELECTION

(Identification Envelope)

I, the undersigned, hereby declare that I am the person to whom the enclosed ballot paper is addressed, that I am a teacher in Category.....and that I have not marked any other ballot paper in this election.

Registration Number..... Signature.....

EXPLANATORY NOTE

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

This Order approves the scheme of election for teacher-members (other than principals of colleges of education) of the General Teaching Council for Scotland who are required to be elected by virtue of Schedule 1 to the Teaching Council (Scotland) Act 1965 as amended.