Interpretation

1. This Scheme may be cited as the Royal College of Veterinary Surgeons Council Election Scheme 1967.

2.- (1) In this Scheme –

   “the Act” means the Veterinary Surgeons Act 1966;

   “elector” shall be construed in accordance with paragraph 15;

   “Council” means the Council of the Royal College of Veterinary Surgeons;

   “Independent Scrutineer” means the body appointed in accordance with paragraph 4;

   “last date for despatch of voting papers” shall be construed in accordance with paragraph 7 read with paragraphs 12 and 13;

   “last date for nominations” shall be construed in accordance with paragraph 6 read with paragraphs 12 and 13;

   “last date for return of voting papers” shall be construed in accordance with paragraph 8 read with paragraphs 12 and 13;

   “member” means a member of the College in accordance with sections 3(1), 5A(1) and 6(1) of the Act;

   “registered address” means the address entered in the register under section 9 of the Act;

   “Returning Officer” shall be construed in accordance with paragraph 3;

(2) Any requirement in this Scheme for any nomination, voting paper, vote cast electronically or by means of telecommunications, or other material to be received by the Returning Officer or the Independent Scrutineer by a date fixed by the Returning Officer or calculated in accordance with these Rules shall be construed as a requirement that it shall be received by him not later than 5.00 pm on that date.

Returning Officer

3.- (1) The registrar of the College shall act as the Returning Officer for each election to the Council.
(2) In the absence or inability of the registrar to act of the Returning Officer, the assistant registrar, or such other employee of the College as shall be appointed by the registrar, shall act in his place.

(3) The Returning Officer shall be responsible for the conduct of each election, subject to and in accordance with the provisions of the Act and this Scheme, and shall exercise the functions conferred upon him by this Scheme.

(4) The Returning Officer may arrange for the Independent Scrutineer or any other person to carry out on his behalf such administrative functions as he considers appropriate.

Independent Scrutineer

4.- (1) Electoral Reform Services, or such other body as shall be appointed by the Council, shall act as Independent Scrutineer for each election to the Council.

(2) As well as carrying out its other functions set out in this Scheme, and any functions it carries out on behalf of the Returning Officer in accordance with paragraph 3(4), the Independent Scrutineer shall be responsible for –

(a) receiving and scrutinising the completed voting papers and the votes cast electronically or by telephone in the ballot;

(b) counting the votes cast and determining the votes cast for each candidate; and

(c) certifying the result of the ballot in writing to the Returning Officer.

Eligibility to become a candidate in the election

5.- (1) A member may be a candidate for election only if on the last date for nominations –

(a) he is a member who resides outside the Republic of Ireland; or

(b) he is a member who resides in the Republic of Ireland and has retained his right to vote under the provisions of the Veterinary Surgeons (Agreement with the Republic of Ireland) Order 1988.

(2) The Returning Officer shall reject any nomination which appears to him to be invalid on the ground that the person nominated is not eligible to be a candidate by virtue of this paragraph.

Last date for nominations

6.- (1) Subject to paragraphs 12 and 13, the last date for nominations for each election shall be 31st January.
Any nomination which is received after the last date for nominations shall be invalid.

**Last date for despatch of voting papers**

7. Subject to paragraphs 12 and 13, the last date for despatch of voting papers for each election shall be 31st March.

**Last date for return of voting papers**

8. The Returning Officer shall determine a last date for the return of voting papers, which shall be not less than 21 days after the last date for despatch of voting papers.

**Notice of election**

9.- (1) Subject to paragraphs 12 and 13, at least 21 days before the last date for nominations, the Returning Officer shall give notice of an election.

(2) The notice of election shall be published on the College’s website and in such veterinary professional journals and on such number of occasions as the Returning Officer shall direct.

(3) The notice of election shall be in such form as the Returning Officer shall determine and shall state –

(a) the number of vacancies on the Council to be filled;

(b) the names of the elected members of the Council who are retiring in rotation;

(c) the address of the Returning Officer to which nominations are to be sent, together with such other information as to the mode of delivery of nominations as the Returning Officer thinks fit;

(d) the maximum length and acceptable format of election statements which candidates may submit, and the size and acceptable format of photographs of themselves which candidates may supply, in accordance with paragraph 11 and as specified by the Returning Officer; and

(e) the last date for nominations.

**Nominations**

10.- (1) Nominations for election shall –

(a) be made in writing on a nomination form which is in the form specified by the Returning Officer and obtainable from him;
(b) be sent to the Returning Officer by post, or handed in at the offices of the College, to be received not later than the last date for nominations.

(2) Each nomination form shall be signed by two members –

(a) each of whom would be eligible to be a candidate in accordance with paragraph 5(1); and

(b) whose full names and registered addresses must be given on the form.

(3) No member shall nominate more than one candidate in each election and if he signs more than one nomination form his signature shall be inoperative on all but the first nomination form opened by the Returning Officer.

(4) Each nomination form shall be signed by the candidate to whom it relates, who in doing so shall confirm that –

(a) the information contained in the form is correct;

(b) that he is eligible to become a candidate in accordance with paragraph 5(1);

(c) that he consents to being nominated for election;

(d) that he is willing to serve, if elected; and

(e) that he is willing, if elected, to comply with any codes of practice or guidance issued by the Council from time to time governing the conduct of members of the Council.

(5) The Returning Officer shall reject any nomination or purported nomination which –

(a) is received after the last date for nominations;

(b) is not on a nomination form which is in the form specified under paragraph 10(1)(a);

(c) does not bear the signatures of two members qualified to nominate by virtue of paragraph 10(2);

(d) does not contain the information required by the nomination form; and

(e) which is not signed by the candidate to whom it relates.

(6) A nomination may be withdrawn at any time until the last date for nominations by a written notification signed by the candidate and addressed to the Returning Officer.
Election statements by candidates and photographs

11.- (1) A candidate for election may supply with his nomination –

(a) an election statement of not more than 300 words in such format as the Returning Officer shall specify;

(b) biographical information of up to 200 words, in such format as the Returning Officer shall specify;

(c) contact details in such format as the Returning Officer shall specify; and

(d) a photograph of that candidate, of such size and in such format as the Returning Officer shall specify.

(2) Subject to the following provisions of this paragraph, any election statement and photograph received under sub-paragraph (1) shall be reproduced and circulated by the Returning Officer as part of the election material circulated in accordance with paragraph 16.

(3) This paragraph shall not require the Returning Officer to circulate an election statement or biographical information submitted which is greater in length than the maximum number of words specified by the Returning Officer and in the absence of agreement with the candidate the election statement or biographical information circulated by the Returning Officer shall end at the last complete sentence within the specified length.

(4) This paragraph shall not require the Returning Officer to circulate an election statement which he reasonably considers to be defamatory or otherwise unlawful, or factually misleading, and may in the absence of agreement with the candidate either edit the election statement before circulating it or decide not to circulate it.

(5) Any question as to the format or presentation of an election statement, biographical information or contact details shall be decided conclusively by the Returning Officer.

(6) Every candidate who supplies an election statement or biographical information under paragraph (1) shall be deemed to have agreed –

(a) that the decision of the Returning Officer not to issue the whole or any part of it is final; and

(b) to indemnify the Returning Officer and the College against any liability to any third party this arises by reason of issuing the statement or biographical information.
Procedure if no candidates nominated

12. If no candidates have been validly nominated in accordance with paragraph 10 –

(a) The Returning Officer shall fix a new last date for nominations to be received for
election to fill the vacancies together with a new last date for despatch of voting
papers, and give notice in the manner required by paragraph 9 that an election will
take place for that purpose; and

(b) The provisions of this Scheme shall otherwise apply to any election which is re-started
in accordance with this paragraph.

Procedure if fewer candidates nominated than vacancies

13. The following provisions shall apply if fewer candidates have been validly nominated in
accordance with paragraph 10 than there are vacancies to be filled –

(a) those candidates who have been so nominated shall be entitled to be elected and the
chairman of the next ensuing annual general meeting of the College shall formally
declare elected the members so nominated;

(b) the Returning Officer shall fix a new last date for nominations to be received for
election to fill the outstanding vacancies together with a new last date for despatch of
voting papers, and give notice in the manner required by paragraph 9 that an election
will take place for that purpose; and

(c) the provisions of this Scheme shall otherwise apply to any election which is re-started
in accordance with this paragraph.

Procedure if no more candidates nominated than vacancies

14. If no more candidates have been validly nominated in accordance with paragraph 10 than
there are vacancies to be filled, no ballot shall take place and the chairman of the next
ensuing annual general meeting of the College shall formally declare elected the members so
nominated.

Entitlement to vote in an election

15. Only those members who would be eligible to become a candidate for election in accordance
with paragraph 5 may vote in an election.

Conduct of the ballot

16.- (1) If more candidates have been nominated in accordance with paragraph 10 than there are
vacancies to be filled, the Returning Officer shall not later than the last date for despatch of
voting papers send a voting paper and election material to each elector.
(2) The voting paper and election material shall together include the following –

(a) the number of vacancies on the Council to be filled in the election;

(b) the full name and registered address of each candidate;

(c) instructions on how to complete the voting paper or to vote electronically, through the internet or by telephone;

(d) the address of the Independent Scrutineer to which a completed voting paper is to be returned;

(e) the last date for the return of voting papers or, subject to paragraph 18, for electronic, internet or telephone votes to be registered; and

(f) subject to the provisions of paragraph 11, copies of any election statements, biographical information and contact details which were supplied by the candidates in the specified form and any photographs which were supplied by the candidates in the specified size and format.

(3) Subject to paragraph 20, each elector shall be entitled to receive one voting paper only and a voting paper shall not be valid unless –

(a) it is a voting paper issued to that elector by the Returning Officer or any external body acting on his behalf; or

(b) the member has recorded his vote or votes in accordance with the instructions on the voting paper.

Postal voting

17. An elector who wishes to vote by post shall –

(a) record his vote on the voting paper circulated in accordance with paragraph 16, in accordance with the instructions on how to complete the voting paper circulated pursuant to that paragraph; and

(b) return it to the Independent Scrutineer by the last date for the return of voting papers.

Voting electronically or by means of telecommunications

18.- (1) The Returning Officer may if he thinks fit and in accordance with arrangements approved by the Independent Scrutineer make voting facilities available by any or all of the following –

(a) use of electronic mail;
(c) use of the internet; or

(b) use of telecommunications.

(2) If voting facilities by any or all of the voting methods referred to in sub-paragraph (1) are being made available, any elector wishing to vote by such a method shall do so –

(a) in accordance with the instructions given on the voting paper; and

(b) by the last date for return of voting papers.

(3) The Independent Scrutineer may take such steps as it considers necessary to ascertain that a vote cast by any of the methods referred to in sub-paragraph (1) is valid.

Double voting

19. (a) An elector who has returned a voting paper in an election shall not, if any or all of the voting methods referred to in paragraph XX have been made available, use any of those methods to vote in that election.

(b) An elector who has voted by one of the voting methods referred to in paragraph 18 shall not return a voting paper in that election or use any of the other methods referred to in that paragraph.

(c) Where an elector has voted both by returning a voting paper and by one of the voting methods referred to in paragraph 18, account shall be taken by the Independent Scrutineer only of the voting paper.

Replacement voting papers

20. An elector shall be entitled to receive from the Independent Scrutineer not later than the last date for return of voting papers and by such means as the Independent Scrutineer considers appropriate (including facsimile transmission or electronic mail) a replacement voting paper if –

(a) the elector concerned states his full name and registered address; and

(b) the original voting paper has been spoilt and the spoilt voting paper is produced to the Independent Scrutineer; or

(c) the elector declares in writing (including by electronic mail) that he has not received a voting paper or that, if he has received one, it has been accidentally lost or destroyed.

Scrutiny of votes

21.- (1) The Independent Scrutineer shall reject any voting paper which –
(a) is ambiguous;

(b) has not been completed in accordance with the instructions circulated pursuant to paragraph 16;

(c) is spoiled or mutilated in such a manner that no clear voting intention may be discerned; or

(d) has been received by the Independent Scrutineer after the last date for return of voting papers.

(2) Where an elector has voted by any of the voting methods referred to in paragraph 18, if such a method has been made available by the Returning Officer, the Independent Scrutineer shall reject any purported vote which –

(a) is ambiguous;

(b) has not been registered in accordance with the arrangements approved by the Independent Scrutineer for voting by the method concerned; or

(c) has been received by the Independent Scrutineer after the last date for the return of voting papers.

(3) The Independent Scrutineer shall certify the result of the ballot to the Returning Officer in writing (which may be by facsimile transmission or electronic mail), giving the following information –

(a) the total number of voting papers and, if appropriate, votes cast by any of the voting methods referred to in paragraph 18;

(b) the total number of voting papers and, if appropriate, votes cast by any of the voting methods referred to in paragraph 18 which were rejected and the grounds for rejection; and

(c) the number of valid votes cast for each candidate.

(4) Subject to paragraph 24, the certificate of the Independent Scrutineer shall be conclusive as to the result of the ballot.

(5) The Independent Scrutineer shall retain the voting papers in secure custody for a period of one month after the annual general meeting of the College at which the results of the election are announced, following which, in the absence of any challenge made under paragraph 24, they shall be destroyed, as shall be any information in printed or electronic form relating to individual votes cast by any of the voting methods referred to in paragraph 18 or information relating to demographic analysis of the votes cast by whatever means.
Election of successful candidates

22.- (1) Such number of candidates equal to the number of vacancies to be filled in the election who are certified by the Independent Scrutineer as having received the highest number of valid votes shall be deemed to be elected, and the names of the candidates elected shall be announced by the chairman at the annual general meeting of the College at which the vacancies to be filled occur.

(2) If in any ballot two or more candidates receive the same number of valid votes, then for the purpose of determining which of them has the highest number of valid votes –

(a) if one of the candidates has been registered longer than any of the others he shall be deemed to have the highest number of votes; and

(c) if two candidates have been registered for the same period, the candidate deemed to have the highest number of votes shall be determined by the drawing of lots by the responsible officer of the Independent Scrutineer.

Death or disqualification of a candidate

23.- (1) If notification of the death or disqualification of a candidate is received by the Returning Officer after the last date for nominations but before any voting papers have been circulated to the electors, the name of the deceased or disqualified candidate shall be removed from the voting paper and the election shall proceed in all respects as if he had never been nominated, unless the resulting number of candidates is the same as the number of vacancies, in which event the procedure set out in paragraph 10 shall be followed.

(2) If notification of the death or disqualification of a candidate is received by the Returning Officer after voting papers have been circulated to the electors, but before the conclusion of the election, the ballot shall proceed but the Independent Scrutineer shall disregard votes cast for the deceased or disqualified candidate.

Challenge procedure

24.- (1) Any candidate in an election may, within one month after the annual general meeting at which the result of the election was declared, challenge the validity of the election, but only on the grounds that the election was –

(a) not in accordance with the provisions of this Scheme; or

(b) furthered by conduct which, if the election had been regulated by the Representation of the People Act 1983, would have been a corrupt practice by way of bribery, treating or undue influence under sections 113, 114 or 115 of that Act.
(2) Any such challenge must be in writing, signed by the candidate making it, and addressed to the Returning Officer, who shall send a copy of it to each of the other candidates in the election.

(3) The Returning Officer shall refer any such challenge to a Challenge Committee, which shall consist of three members of the Council who are not elected members nominated by (in order of exercising the power) –

(a) the President, unless he was a candidate in the election concerned;

(b) the Senior Vice-President, unless he was a candidate in the election concerned;

(c) the Junior Vice-President, unless he was a candidate in the election concerned;

(d) the most senior Past President of the College still serving on the Council who was not a candidate in the election

(4) The Challenge Committee shall sit with one of the Legal Assessors appointed under paragraph 6 of schedule 2 to the Act, who shall act in an advisory capacity and have no vote, and who shall be nominated in the same manner as the members of the Challenge Committee.

(5) The Challenge Committee shall determine whether to declare the election void according to such procedure as it thinks fit, subject to the provisions of the Act and this Scheme, but which shall afford all candidates in the election under challenge the right to make written representation on the subject of the challenge.

(6) The determination of the Challenge Committee shall be final and conclusive for all purposes.

(7) The Challenge Committee shall not declare an election void under sub-paragraph (5) unless it is satisfied –

(a) that the irregularity concerned rendered the election substantially not in accordance with this Scheme; or

(b) that the irregularity concerned significantly affected the result of the election.

(8) No election under this Scheme shall be rendered void on the ground of the accidental omission to send a voting paper to any elector or the accidental non-delivery of a voting paper to any elector.

Postal disruption and civil contingencies

25. In the event of a significant disruption to postal services, the internet, electronic mail or telephone services, or of any other civil contingency arising, the Returning Officer may defer
the last dates set out in this Scheme, and otherwise adjust the procedures set out in this Scheme, at his discretion.