

SCHEDULE

The Insurance Brokers Registration Council Election Scheme 1999

PART IX

VALIDITY OF ELECTION

28. The certificate of the Returning Officer published under paragraph 23 of this Scheme shall be conclusive evidence of the facts stated therein unless in respect of the election of any person a written notice of protest signed by not less than twenty-five registered insurance brokers eligible to vote in the election of the person in question is received by the Returning Officer not later than the twenty-eighth day after the publication of the certificate. Such protest may be made on one or more of the following grounds:—

- (a) that the election of that person was not in accordance with the requirements of this Scheme;
- (b) that there was a breach of any of the provisions of paragraph 25(2) or 27 of this Scheme in connection with the election;
- (c) that the election of that person was furthered by conduct which in the case of an election regulated by the Representation of the People Act 1949(1) would be a corrupt practice by way of bribery, treating or undue influence under Sections 113, 114 and 115 of that Act (which are reproduced as Appendix G to this Scheme);
- (d) that the person elected, or a person acting on his behalf, contravened the requirements of paragraph 25(1) of this Scheme, or did not comply with the requirements of paragraph 26 of this Scheme.

29. If any candidate declared to have been elected fails to submit a statutory declaration in accordance with the requirements of paragraph 26 of this Scheme the Returning Officer shall forthwith make a report on the matter to the Council and shall send a copy thereof to every person entitled to receive a copy of his certificate under paragraph 23 of this Scheme.

30.—(1) Any protest under paragraph 28 of this Scheme, or any report by the Returning Officer under paragraph 29 of this Scheme, shall be considered by the Council at their next meeting.

(2) The Council shall afford the person concerned an opportunity of making a reply in writing to the protest or the report, and may if they think fit hear oral statements from representatives of the persons signing the protest, from the Returning Officer and from any other persons concerned.

(3) If the Council are satisfied:—

- (a) that the election of the person concerned was furthered by such conduct as is described in paragraph 28(c) of this Scheme; or
- (b) that expenditure was incurred by him or on his behalf in the conduct or management of the election; or
- (c) that his election was in some other respect not in accordance with the requirements of this Scheme; or
- (d) that he has failed to furnish a statutory declaration as required by paragraph 26 of this Scheme; or
- (e) that there was a breach of any of the provisions of paragraph 25(2) or 27 of this Scheme;

then (unless, in the case of (c), it appears to the Council that the election was conducted substantially in accordance with the requirements of this Scheme and that non-compliance with those

(1) 1983 c. 2.

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requirements did not affect the result or unless, in the case of (e), it appears to the Council that the breach of any of the provisions of the said paragraph 25(2) or 27 did not affect the result) the Council may declare that person's election invalid, and in that event the resulting vacancy shall be filled by a further election as provided by paragraph 24 of this Scheme.

(4) If the Council declare the election of any person invalid they shall forthwith proceed to consider whether in the circumstances of the case they should also declare that person or any other person to be disqualified from being nominated as a candidate in such further election, and if they declare him or any such person so disqualified any nomination of that person shall be rejected as invalid by the Returning Officer.

31. Any declaration made by the Council under paragraph 30(4) of this Scheme shall be published and shall be binding upon all persons.

32. A person elected under this Scheme shall notwithstanding paragraph 6 hereof not come into office immediately after the expiration of the term of office of the members previously chosen to represent registered insurance brokers if that person is the subject of any protest made under paragraph 28 of this Scheme or of any report made under paragraph 29 of this Scheme and such persons shall not come into office unless and until such protest or report shall have been considered and disposed of by the Council.

Made on the 2nd day of November 1999.