
STATUTORY INSTRUMENTS

2001 No. 15

OSTEOPATHS

The General Osteopathic Council (Election of Members and Chairman of Council) Rules Order of Council 2001

Made - - - - 4th January 2001

Coming into force - - 17th January 2001

At the Council Chamber, Whitehall, the 4th day of January 2001

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in exercise of its powers under section 35(2) of, and paragraphs 10 and 14(5) of the Schedule to, the Osteopaths Act 1993 ("the Act")⁽¹⁾, and of all other powers enabling it in that behalf, the General Osteopathic Council has made the General Osteopathic Council (Election of Members and Chairman of Council) Rules 2000 as set out in the Schedule to this Order:

And whereas by section 35(1) of the Act the approval of the Privy Council is required for this exercise of the powers of the General Osteopathic Council:

Now, therefore, Their Lordships, having taken the Rules into consideration, in exercise of their powers under section 36 of the Act, and of all others powers enabling them in that behalf, are pleased to, and do hereby, approve them.

This Order may be cited as the General Osteopathic Council (Election of Members and Chairman of Council) Rules Order of Council 2001 and shall come into force on 17th January 2001.

A. K. Galloway
Clerk of the Privy Council

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SCHEDULE

THE GENERAL OSTEOPATHIC COUNCIL (ELECTION OF MEMBERS AND CHAIRMAN OF COUNCIL) RULES 2000

The General Osteopathic Council, in exercise of the powers conferred on them by section 35(2) of, and paragraphs 10 and 14(5) of the Schedule to, the Osteopaths Act 1993⁽²⁾ and of all other powers enabling them in that behalf, hereby make the following Rules:

PART I

PRELIMINARY

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the General Osteopathic Council (Election of Members and Chairman of Council) Rules 2000 and shall come into force on 17th January 2001.

(2) In these Rules, except where the context otherwise requires—

- (a) “the Act” means the Osteopaths Act 1993;
- (b) “the Chairman” means the Chairman of the Council or, as the case may be, any person acting on behalf of the Chairman in accordance with Rule 4 of the Constitution and Procedure Rules but does not include any person appointed under paragraph 48 of the Schedule to the Act;
- (c) “the Constitution and Procedure Rules” means the General Osteopathic Council (Constitution and Procedure) Rules 1998⁽³⁾;
- (d) “the Council” means the General Osteopathic Council;
- (e) “count” means either the count as a whole or any stage of the count;
- (f) “elected member” means a member elected in accordance with these Rules;
- (g) “member” means a member of the Council;
- (h) “non-transferable form” means a valid voting form on which no second or subsequent preference is recorded for a remaining candidate;
- (i) “osteopath” means any person whose name is on the register of osteopaths;
- (j) “the register” means the professional register of osteopaths maintained by the Registrar under section 2 of the Act;
- (k) “the Registrar” means the Registrar of the Council as appointed under section 2 of the Act;
- (l) “remaining candidate” means any candidate who has neither been elected nor eliminated from the election at any given time;
- (m) “transferable form” means a valid voting form on which, following the first preference, a second or subsequent preference is recorded in consecutive numerical order for a remaining candidate, the preferences next in order on the voting form for candidates already elected or eliminated from the poll being ignored;

(3) In these Rules—

- (i) Any reference to a numbered rule shall be construed as a reference to the rule bearing that number in these Rules;

(2) 1993 c. 21.

(3) Scheduled to S.I.1998/1019.

- (ii) Any reference to a numbered paragraph shall be construed as a reference to the paragraph bearing that number in the rule in which it occurs; and
- (iii) Any reference to a numbered schedule shall be construed as a reference to the schedule to these Rules bearing that number.

PART II

Election of members of the Council

2.—(1) The election of members who are elected to the Council (including election at a by-election) shall take place in accordance with the rules set out in Schedule 1.

(2) General elections shall be held before the end of the three year transitional period and thereafter before the end of each successive term of office of five years of elected members of the Council.

(3) By-elections to fill casual vacancies shall be held at such times as (subject to the provisions of the Constitution and Procedure Rules) the Council may determine.

Election of Chairman

3.—(1) The election to the office of Chairman of the successor to the person appointed under paragraph 48 of the Schedule to the Act shall be held at the first meeting of the Council to be held after the first election of members under paragraph 1(a) of the Schedule to the Act and notice of the election given to all members of the Council entitled to be present at the meeting.

(2) Thereafter, an election to the office of Chairman shall be held at a meeting of the Council and notice of the election given in the programme of business.

(3) If a vacancy occurs or is due to occur in the office of Chairman or the Chairman gives notice that he intends to resign as Chairman or as a member of the Council on a stated date, the Registrar shall notify other members forthwith and an election to the office of Chairman shall be held at the next meeting of the Council after the expiration of two months from the notification to members of the vacancy, prospective vacancy or intended resignation.

(4) An election to the office of Chairman shall be held in accordance with the rules set out in Schedule 2.

(5) A person who has been elected to the office of Chairman may, prior to the date of commencement of his term of office attend as an observer at meetings of committees and sub-committees of which he is not already a member.

SCHEDULE 1

RULES FOR THE CONDUCT OF ELECTIONS AND BY-ELECTIONS OF MEMBERS TO THE GENERAL OSTEOPATHIC COUNCIL

Preliminary

- (a) (a) The Council shall appoint the Registrar or some other person (not being a member of the Council) to act as Returning Officer, and the Returning Officer shall appoint a Deputy Returning Officer (who shall not be a member of the Council) to act for him in his absence.

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- (b) The Returning Officer may, subject to the approval of the Council, delegate such administrative functions relating to the conduct of elections under these rules as he may deem appropriate to Electoral Reform (Ballot Services) Limited or to such similar body or person as he may appoint for the purpose.

2. The Returning Officer shall fix the last day on which nomination forms may be returned and at least 14 days before that day shall cause a notice of the election to be brought by such means as he considers appropriate to the attention of registered osteopaths entitled to vote in the election at their registered addresses. The notice may contain such information as the Council may determine and shall specify the number of persons to be elected, the place to which nomination forms are to be returned and the last day on which they are to be returned.

Categories of candidates

3. There shall be five categories of candidates, namely one for each country of the United Kingdom and one for candidates offering themselves for election under paragraph 9(3) of the Schedule to the Act.

Nomination

- (a) (a) Each candidate for election shall be nominated in one of the categories referred to in paragraph 3 by not less than two fully registered osteopaths who shall separately sign a nomination form to be provided for the purpose, upon application, by the Returning Officer.
- (b) Nomination forms shall be in such medium as the Council shall determine and shall contain the name, registered address and registration details both of the candidate and of the nominators, together with a declaration signed by the candidate that he consents to be nominated and will accept office if duly elected.
- (c) Each nomination form shall be accompanied by a photograph of the candidate and by such further information, including a personal statement not exceeding 100 words in length by the candidate, as the Council shall determine.

5. Any person entitled to vote in the election may nominate any number of candidates not exceeding the number to be elected and if he signs more than the permitted number of nomination forms, his signature shall be inoperative in all but those forms up to the permitted number which are first received by the Returning Officer.

6. Every nomination form shall, on or before the last day fixed for the return of nomination forms, be delivered, by such means as the Council may determine, to the place appointed for the purpose in the notice of the election. A nomination form so delivered may be withdrawn by notice in writing signed by the candidate and delivered to the Returning Officer on or before that day. Every nomination form which is not received at the appointed place on or before that day, or in respect of which any requirement of these rules has not been complied with, shall be invalid.

7. If a candidate remaining validly nominated dies or for any other reason becomes ineligible for election to or membership of the Council before the last day fixed for the sending in of nomination forms, his nomination shall be treated as having been withdrawn.

Voting

8. If the number of candidates remaining validly nominated in respect of any of the categories referred to in paragraph 3 at the last day for the return of nomination forms does not exceed the number of persons to be elected for that category, the Returning Officer shall forthwith declare the candidate or candidates elected.

9. If the number of candidates remaining validly nominated in respect of any of the categories referred to in paragraph 3 exceeds the number of persons to be elected, the Returning Officer shall prepare voting forms. Voting forms shall, as well as containing such information as the Council shall determine, state the names and registered addresses of all the candidates nominated for the election, the category for which they are offering themselves for election, the last day on which voting forms may be returned and the place to which and the means by which they are to be returned.

10. The Returning Officer shall fix the last day for the return of voting forms and at least 14 days before that day shall provide a voting form to each person entitled to vote at that election at his registered address with directions for returning the form to the place at which voting forms are returnable. Each voter shall be entitled to complete one voting form, and no more, and a vote shall not be valid unless it is made in the voting form provided by the Returning Officer.

- (a) (a) Each voter:
 - (i) shall have one single transferable vote and in recording his vote must place on his voting form the figure 1 against the name of the candidate for whom he votes and
 - (ii) may in addition indicate his preference for as many of the other candidates as he pleases by placing against their names the figures 2, 3, 4 and so on, in the order of his choice.
- (b) A voting form shall be invalid if:
 - (i) it does not contain the figure 1 against the name of any candidate, or
 - (ii) it contains the figure 1 and any other figure or mark against the name of the same candidate, or
 - (iii) the first preference of the voter cannot be determined from it;
- (c) A voting form shall be considered to have become a non-transferable form if it cannot be determined for which of the remaining candidates the next available preference is recorded.

12. The voter must return the voting form by the last day fixed for the return of the voting forms, through the post or otherwise as the Council shall determine, to the place at which voting forms are returnable.

General procedure

13. Immediately after the last day fixed for the return of voting forms, the Returning Officer shall:
- (i) ascertain the validity of the votes;
 - (ii) sort the valid voting forms in accordance with the first preferences recorded for each candidate;
 - (iii) credit each candidate with the number of valid forms on which a first preference has been recorded against his name;
 - (iv) ascertain the total number of valid forms; and
 - (v) calculate the quota.

Calculation of quota

14. The quota shall be calculated as follows: divide the total number of valid voting forms by one more than the number of places to be filled. If the result is not less than 100, ignore the remainder, and add one. If the result is less than 100 continue the division to two decimal places, ignore the remainder, and add 0.01.

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Transfers of votes

15. Whenever any transfer is made each set of votes transferred shall be added to the votes, if any, previously credited to the candidate to whom the transfer is made, and that candidate shall be credited with a number of votes equal to the combined value of the votes thus transferred. Non-transferable forms shall be set aside separately, together with any other forms already found to be non-transferable.

Distribution of a surplus

16. If at the end of any count more than one candidate has a surplus, the largest surplus shall be dealt with first. Where the number of votes credited to a candidate is greater than the quota the surplus shall be transferred, as specified by these rules, to the remaining candidates for whom the next available preferences have been recorded on the voting forms in the set or sub-set last received by the elected candidate, in the following manner:

- (a) If the votes credited to an elected candidate consist of original votes only, the Returning Officer shall examine all the voting forms contained in the set of the elected candidate whose surplus is to be transferred.
- (b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the Returning Officer shall examine the voting forms contained in the sub-set last received by the elected candidate whose surplus is to be transferred.
- (c) In either case the Returning Officer shall sort the transferable forms into sub-sets according to the next available preferences recorded thereon, shall make a separate sub-set of the non-transferable forms and shall ascertain the total number of transferable forms.
- (d) If the total number of transferable forms is greater than the surplus the Returning Officer shall calculate the new reduced value of each transferable form by dividing the surplus by the total number of transferable forms to two decimal places. If not exactly divisible the hundredth lower shall be used and the value remaining shall be recorded on the counting sheet against the designation "non-distributable remainder". The new value shall then be clearly recorded in respect of each transferable form.
- (e) If the total number of transferable forms in the sub-set is less than or equal to the surplus, the Returning Officer shall transfer the whole of each sub-set of transferable votes to the remaining candidate indicated in the voting forms as the voters' next available preference at the value at which they were received from the previously elected candidate.

Elimination of candidates

- (a) (a) If at the end of any count no candidate has a surplus and one or more vacancies remain unfilled, the Returning Officer shall eliminate from the pool the candidate credited with the lowest number of votes, shall examine all the voting forms containing votes for that candidate, shall sort the transferable votes into sub-sets according to the next available preferences recorded thereon for remaining candidates, shall transfer each sub-set to the candidate for whom that preference is recorded, taking into account any differing values of the votes thus transferred, and shall make a separate sub-set of the non-transferable votes.
- (b) If the total of the votes of the two or more candidates lowest on the poll is less than the number of votes credited to the next highest candidate the Returning Officer may at the same count eliminate those lowest candidates from the poll, and transfer their votes as provided in this rule.
- (c) If, when a candidate has to be eliminated, two or more candidates have each the same number of votes and are lowest on the poll, the candidate with the lowest number of votes at the earliest count at which the candidates in question had an unequal number of votes

shall be eliminated, and, where the number of votes credited to those candidates were equal at all counts, the Returning Officer shall determine by lot which shall be eliminated.

Election of candidates

- (a) (a) If at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall thereupon be elected.
- (b) If at the end of any count the number of elected candidates is equal to the number of vacancies to be filled, no further transfer of votes shall be made.
- (c) If, on the elimination of a candidate or candidates, the number of the then remaining candidates is equal to the number of vacancies unfilled, the remaining candidates shall thereupon be elected and no further transfer of votes shall be made.

Recounting of voting forms

- (a) (a) At the end of any count, any candidate may, if present, request the Returning Officer to re-examine and re-count all or any of the voting forms dealt with during that count, and the Returning Officer shall forthwith re-examine and re-count accordingly the forms indicated.
- (b) The Returning Officer may also, at his discretion, re-count voting forms either once or more often in any case in which he is not satisfied of the accuracy of any previous counting of the votes: Provided that nothing herein shall make it obligatory on the Returning Officer to re-count the same voting forms more than once.
- (c) On any re-count, subject to such modifications as may be necessary by reason of any error in the original counting of the votes, each voting form shall take the same course as at the original counting of the votes.

General

20. The Returning Officer shall forthwith give to every candidate, whether or not elected, written notice of the result of the election, and shall furnish to the Council at their first meeting thereafter a list of the persons certified by him to have been duly elected and, in the case of a contested election, a record of any transfer of votes made under these rules, and of the total number of votes credited to each candidate after any such transfer.

21. No election held under these rules shall be invalidated by reason of any misdescription or non-compliance with these provisions, or by reason of any miscount, or of the non-delivery, loss or miscarriage in the course of post of any document required under these rules to be sent by post, if it appears to the Returning Officer that the election was conducted substantially in accordance with these rules, and that the result of such misdescription, non-compliance, miscount, non-delivery, loss or miscarriage did not affect the return of any candidate at the election.

22. The decision of the Returning Officer shall be final on any matter concerning an election held in conformity with these rules, including any matter concerning the validity of a nomination or voting form.

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SCHEDULE 2

RULES FOR THE CONDUCT OF ELECTION OF THE CHAIRMAN OF THE GENERAL OSTEOPATHIC COUNCIL

1. Each candidate for election shall be nominated by a proposer and a seconder who shall be members of the Council. The candidate shall also sign and submit to the Registrar a declaration that he or she consents to be nominated and will accept office if duly elected.
2. Nomination forms and declarations shall be submitted to the Registrar not less than two weeks before the date of the meeting at which the election is to take place.
3. The chair shall be taken by the Chairman if not seeking re-election or by another member, who is not a candidate, elected for that purpose.
4. There shall be no speeches by candidates, their proposers or seconders.
5. Every member present shall be entitled to one vote and every member not present shall be entitled to vote by sending to the Registrar not later than the commencement of the meeting at which the election is to take place written notice of his voting intentions. The numbers of votes cast shall be announced.
6. The election shall take place by secret ballot and, if necessary, by successive secret ballots until one candidate has an overall majority of the votes cast.

Given under the official seal of the General Osteopathic Council this fourteenth day of December two thousand.

L.S.

Simon Fielding
Chairman

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Osteopaths Act 1993, approves Rules made by the General Osteopathic Council which provide for the procedure to be followed when electing the twelve members required by paragraph 1(a) of the Schedule to the Act and the Chairman of its Council.