

2001 No. 3057

OPTICIANS

**The General Optical Council (Membership)
Order of Council 2001**

Made - - - - - *5th September 2001*

Laid before Parliament *6th September 2001*

Coming into force - - *27th September 2001*

At the Council Chamber, Whitehall, the 5th day of September 2001

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

Whereas in pursuance of paragraph 3 of Schedule 1 to the Opticians Act 1989(a), the General Optical Council have submitted to the Privy Council a Scheme as set out in the Schedule to this Order:

And whereas by virtue of section 34(1) of the said Act such a Scheme shall not come into force until approved by Order of the Privy Council:

And whereas the Scheme on coming into force will revoke and replace the Scheme approved by the Privy Council on 13th May 1974(b):

Now, therefore, Their Lordships, having taken the said Scheme into consideration, are hereby please to approve the same, and hereby revoke with effect from 27th September 2001 the General Optical Council Election Scheme (Approval) Order of Council 1974.

This Order may be cited as the General Optical Council (Membership) Order of Council 2001.

A. K. Galloway
Clerk of the Privy Council

(a) 1989 c. 44.

(b) The General Optical Council Election Scheme (Approval) Order of Council 1974 was made under the Opticians Act 1958, which did not require the Order to be exercised by statutory instrument.

SCHEDULE

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME, 2001

The General Optical Council, in exercise of their powers under paragraph 3(2) of Schedule 1 to the Opticians Act, 1989, hereby make the following Scheme.

Part I—Citation, Commencement and Interpretation

1. This Scheme may be cited as the General Optical Council Election Scheme 2001 and shall come into operation on 27th September 2001.
2. In this Scheme the following expressions shall have the following meanings respectively:
 - “the Act” means the Opticians Act 1989;
 - “the Council” means the General Optical Council established under the Act;
 - “registered address” means the address entered in either of the registers of ophthalmic opticians or the register of dispensing opticians maintained by the Council in accordance with the Act as the permanent address of a registered optician.
3. A document is published for the purposes of this Scheme, if a copy thereof—
 - (i) is sent to the bodies appearing to the Council to be representative of ophthalmic or dispensing opticians, and to the optical press as the Council directs;
 - (ii) is made available for inspection at the address specified under sub-paragraph (2) of paragraph 7 of this scheme; and
 - (iii) is sent to any person on request.
4. The requirements in paragraphs 8, 9, 13, 19, 25 and 27 of this Scheme that documents conveying respectively nominations, withdrawal of candidates, votes, returns and protests shall be received by days fixed under any of those paragraphs mean that such documents shall be valid only if delivered to or received by post at the address specified under sub-paragraph (2) of paragraph 7 of this Scheme not later than 5 p.m. on the day fixed for the purpose.
- 5.—(1) Section 36 of the Act shall apply for the interpretation of this Scheme as it applies for the interpretation of the Act.
(2) The Interpretation Act 1978 shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

Part II—Returning Officer

- 6.—(1) Not less than six months before the date on which the members of the Council for the time being chosen to represent registered opticians are due to retire the Council shall appoint a Returning Officer for the election of persons to represent registered opticians in succession to such members and a Deputy Returning Officer entitled to carry out the functions of the Returning Officer at such times as he is absent or unable to act. Any person (including the Registrar of the Council) except a member of the Council shall be eligible to be appointed as Returning Officer or Deputy Returning Officer.
(2) A Returning Officer or Deputy Returning Officer appointed under this Scheme shall cease to hold office when the election for which he is appointed (including any further election held under paragraph 23 of this Scheme) has been completed, and if he should previously resign his office or die or be unable to act the Council may appoint another person in his place.
(3) The Returning Officer may appoint persons to assist him in the conduct of the election for which he is appointed.
- 7.—(1) Not less than five months before the date on which the members of the Council for the time being elected to represent registered opticians are due to retire the Returning Officer shall fix a nomination day and shall publish the date he has fixed for his purpose.
(2) Not less than twenty-one days before the nomination day thus fixed and published the Returning Officer shall send to all registered ophthalmic opticians whose registered addresses are in the United Kingdom a notice in the form set out in Appendix A to this Scheme, specifying the address to which all nomination forms are to be returned, and the date of the nomination day, accompanied by a nomination paper in the form set out in Appendix B to this Scheme, and to all registered dispensing opticians whose registered addresses are in the United Kingdom a similar notice accompanied by a nomination paper in the form set out in Appendix C to this Scheme.

Part III—Nominations

- 8.—(1) A candidate for election as a person to represent registered ophthalmic opticians in England, Northern Ireland, Scotland or Wales shall be nominated in writing by not less than six registered ophthalmic opticians whose registered addresses are in the country for which the candidate is nominated in accordance with paragraph 11 of this scheme.
(2) A nomination shall be valid only if received by the nomination day and made in the form set out in Appendix B to this Scheme and signed by the person or persons nominating the candidate.

(3) The nominations may be comprised in more than one form but every form shall include a statement signed by the candidate identifying himself and confirming his willingness to stand as the candidate for the vacancy for which he has been nominated.

9.—(1) A candidate for election as a person to represent registered dispensing opticians shall be nominated in writing by not less than six registered dispensing opticians whose registered addresses are in the United Kingdom.

(2) A nomination shall be valid only if received by the nomination day and made in the form set out in Appendix C to this Scheme and signed by the person or persons nominating the candidate.

(3) The nominations may be comprised in more than one form but every form shall include a statement signed by the candidate identifying himself and confirming his willingness to stand as candidate for the vacancy for which he has been nominated.

10.—(1) The Returning Officer shall invite each candidate for nomination to supply by the nomination date—

- (a) particulars of his qualifications and career and an election address in a statement of not more than 150 words in all; and
- (b) a passport-size photograph of himself, preferably monochrome.

(2) Subject to the provisions of this paragraph such a statement and such a photograph shall be printed at the cost of the Council and sent along with the voting papers issued under paragraph 18 of this Scheme to all registered opticians eligible to vote for the candidate.

(3) Nothing in this paragraph shall require the Returning Officer to issue a statement of a length greater than specified in this paragraph or to issue anything which in his opinion is or may be libellous or scandalous or untrue on matters of fact.

(4) Every candidate who supplies such a statement shall be deemed to have agreed—

- (a) that the decision of the Returning Officer not to issue the same or any part thereof shall be final; and
- (b) to indemnify the Returning Officer and the Council against any liability to any third party which he or they may incur by reason of issuing the same.

11.—(1) Except in relation to an election held in pursuance of the provisions of paragraph 23 of this Scheme, a registered ophthalmic optician whose registered address is in England may nominate not more than three candidates whose registered addresses are situated, or if any is not a registered optician whose principal place of residence is situated, in England.

(2) A registered ophthalmic optician whose registered address is in Northern Ireland, Scotland or Wales may nominate for the country in which his registered address is situated not more than one candidate, whose registered address is situated, or if he is not a registered optician his principal place of residence is situated, in the country for which he is nominated.

(3) Except in relation to an election held in pursuance of the provisions of paragraph 23 of this Scheme, a registered dispensing optician may nominate not more than five candidates.

(4) If a registered ophthalmic optician attempts to nominate more candidates than he is entitled to do his signature, in the case of a nomination for England, shall be valid only on the first three forms in order received by the Returning Officer, or in the case of a nomination for Northern Ireland, Scotland or Wales, on the first form so received.

(5) If a registered dispensing optician purports to nominate more candidates than he is entitled to do, his signature shall be valid only on the first five forms in order received by the Returning Officer.

(6) When two or more forms are received simultaneously at the address specified by the Returning Officer under sub-paragraph (2) of paragraph 7 of this Scheme they shall be deemed for the purpose of the foregoing sub-paragraph to have been received by the Returning Officer in the order in which he in fact sees them.

12.—(1) A person may be nominated as a candidate for election as a person to represent registered opticians whether or not he is a registered optician.

(2) The Returning Officer may require such evidence as he considers necessary as to a candidate's principal place of residence and a person shall not be accepted as a candidate if he fails to produce such evidence to the satisfaction of the Returning Officer.

13. A candidate may withdraw his candidature by notice in writing signed by him and received by the Returning Officer by the nomination day, and in that event the nomination of that candidate shall be disregarded for the purposes of Parts IV to VIII of this Scheme.

Part IV—Elections

- 14.** If after the expiration of the time allowed under this Scheme for nominations of candidates—
- (a) no more candidates have been nominated than there are vacancies to be filled, the Returning Officer shall forthwith declare the candidates so nominated to have been elected to fill those vacancies;
 - (b) more candidates have been nominated than there are vacancies to be filled, the Returning Officer shall cause a poll to be held.

- 15.—(1)** When a poll is to be held the Returning Officer shall fix a polling day and shall publish—
- (a) the date thereof, which shall not be less than twenty-one days later than the date of such publication and shall, wherever practicable, be a date preceding the day on which members of the Council for the time being elected to represent registered opticians are due to retire;
 - (b) the names and addresses of all candidates; and
 - (c) subject as provided in the next following sub-paragraph, the names and addresses of the registered opticians nominating each candidate.

(2) If the Returning Officer receives more than six nominations in relation to any one candidate, he shall invite the candidate to state which six nominations should be published in connection with the candidature.

(3) If the Returning Officer cannot obtain within four days such a statement from the candidate, he shall publish in connection with the candidature for six nominations earliest received, or where several nominations are on one form, those first mentioned therein.

(4) For the purpose of the foregoing sub-paragraph the provisions of sub-paragraph (6) of paragraph 11 of this Scheme shall apply where necessary for determining the order of time in which nominations shall be deemed to have been received by the Returning Officer.

(5) The Returning Officer shall send a copy of this Election Scheme to each person nominated as a candidate, and shall draw attention to paragraphs 10, 24, 25 and 26 of this Scheme, which relate respectively to the publicity available through the Returning Officer, to the restrictions on expenditure, to the return and statutory declaration which candidates are required to make, and to the publication of returns.

16.—(1) On a poll to elect a person or persons to represent registered ophthalmic opticians every registered ophthalmic optician whose registered address is in the United Kingdom shall be entitled to vote for as many candidates as there are vacancies to be filled.

(2) On a poll to elect a person or persons to represent registered dispensing opticians every registered dispensing optician whose registered address is in the United Kingdom shall be entitled to vote for as many candidates as there are vacancies to be filled.

Part V—Conduct of Polls

17.—(1) Where a poll is to be held the Returning Officer shall prepare voting papers and lists of candidates and nominators together with envelopes for them.

(2) The envelopes shall be addressed to the Returning Officer at the address specified under sub-paragraph (2) of paragraph 7 of this Scheme.

(3) Where the poll is for the election of representatives of registered ophthalmic opticians voting papers shall be in the form set out in Appendix D, and lists of candidates and nominators shall be in the form set out in Appendix F to this Scheme, and where the poll is for the election of representatives of registered dispensing opticians the voting papers shall be in the form set out in Appendix E, and the lists of candidates and nominators shall be in the form set out in Appendix G to this Scheme.

18.—(1) The Returning Officer shall at least eight days before the polling day send to the registered address of each registered optician entitled to vote in the poll (but not to any registered optician who has informed him in writing that on the grounds of conscience he does not wish to be so entitled) a voting paper, a list of candidates and nominators, an envelope prepared in accordance with the provisions of this Scheme along with any statements which he is required to issue under paragraph 10 of this Scheme.

(2) Each registered optician entitled to vote in the poll shall be entitled to receive one voting paper, one envelope, and no more, and votes shall not be valid unless made upon a voting paper received from the Returning Officer and in accordance with the requirements of this Scheme.

Provided that the Returning Officer may replace a voting paper or an envelope inadvertently spoiled or destroyed if application is made to him in writing to include an undertaking that he has not marked and will not mark more than one voting paper in the election for this purpose on or before the polling day.

19. Votes shall be cast as follows—

- (a) The voter shall record his vote or votes on the voting paper in accordance with the instructions thereon:

- (i) Registered ophthalmic opticians whose registered addresses are in the United Kingdom are entitled to vote for not more than three candidates from those nominated for England and not more than one candidate from those nominated for each of Northern Ireland, Scotland or Wales.

The voter must record his vote by putting a mark thus X against the name in the voting paper of not more than three of the candidates for England and not more than one candidate for each of Northern Ireland, Scotland or Wales.

- (ii) Registered dispensing opticians whose registered addresses are in the United Kingdom are entitled to vote for five candidates.
- (b) The voter shall enclose the voting paper in the envelope and seal such envelope without making on it any distinguishing mark.
- (c) The voter shall return the envelope and its contents to the address given on the envelope so that it is received there by polling day.

20.—(1) Immediately after the polling day the Returning Officer shall cause the—

- (i) withdrawing of the voting papers from the envelopes; and
- (ii) counting of the votes validly cast for each candidate.

(2) For the purposes of this paragraph a vote shall be deemed to have been validly cast if, but only if, it has been cast in accordance with paragraph 19.

21. If in any poll the same number of votes is cast for each of two or more candidates, the Returning Officer shall, where necessary to decide the result of the election, determine by lot which of the candidates shall be deemed to have obtained the highest or the next highest number of votes for the purposes of this Scheme.

Part VI—Declaration of Election

22.—(1) When the Returning Officer declares the result of an election, he shall certify in writing—

- (a) the name of each person elected, the category registered opticians which he has been chosen to represent and, in the case of a person chosen to represent registered ophthalmic opticians, the country in respect of which he was elected;
- (b) if a poll has been held, the names of all other candidates, and the numbers of votes cast respectively for the persons elected and for every other candidate.

(2) The Returning Officer shall publish his certificate and shall forthwith send a copy of the same to all candidates named therein and to all members of the Council, and shall submit the certificate to the Council at their next meeting.

23. If—

- (i) after the nomination day a candidate dies before an election in respect of the vacancy for which he has been nominated has taken place; or
- (ii) a candidate who has been elected as a person chosen to represent registered opticians dies or resigns before the date upon which the members for the time being chosen to represent registered opticians shall have retired; or
- (iii) after an election has taken place in accordance with the foregoing provisions of this Scheme there remains any vacancy unfilled due to an insufficiency of nominations, or the withdrawal of candidates, or the Council has under paragraph 29(3) declared a person's election invalid, or any other cause:

the Returning Officer shall in respect only of the vacancy for which the deceased or resigning candidate was nominated or which remains unfilled as a result of such death or other cause (as the case may be) cause a further election to be held as soon as practicable and for that purpose shall forthwith fix another nomination day, and publish the date thereof, and thereafter if necessary fix another polling day and publish the date thereof, and shall proceed with the further election in accordance with the foregoing provisions of this Scheme with such modifications only as the circumstances may require:

Provided that the death or resignation of a candidate shall not affect the validity of the nomination of another candidate any such nomination duly made in respect of the first election shall (subject to the provisions of paragraph 29 of this Scheme) be deemed to be a valid nomination for a further election for the same vacancy held pursuant to this paragraph.

24.—(1) The expenditure incurred by or on behalf of a candidate in the conduct or management of the election (other than any expenditure incurred on his behalf by the Council under sub-paragraph (2) of paragraph 10 of this Scheme) shall not exceed £500.

(2) For the purposes of this Scheme, "expenditure" means all relevant expenditure made or incurred between the date on which the Returning Officer issued the notice required by sub-paragraph (2) of paragraph 7 of this Scheme and the polling day, other than reasonable travelling and subsistence expenses of the candidate and of his family, and reasonable travelling and subsistence expenses of other persons not defrayed by or on behalf of the candidate.

(3) Without prejudice to the generality of the foregoing sub-paragraphs of this paragraph, “expenditure” includes the cost of the preparation of pamphlets or circulars, the cost of advertisements in newspapers or elsewhere, the cost of meetings specially convened for the purpose (including a share in the costs of such meetings arranged by or for candidates jointly) and postal and telephone charges incurred in connection with the election.

25. Not later than the fourteenth day after declaration of the result of an election, every candidate declared to have been elected shall furnish to the Returning Officer a true and complete return in the form specified in Appendix H to this Scheme of all expenditure incurred by him or on his behalf in the conduct or management of the election, supported by a statutory declaration in the form specified in Appendix I to this Scheme.

26. As soon as possible the Returning Officer shall publish all statements of expenditure received under paragraph 25 of this Scheme and shall send copies to all persons entitled to receive his certificate of the result of the election under paragraph 22 of this scheme.

Part VIII—Validity of Election

27. The certificate of the Returning Officer published under paragraph 22 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 opticians 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 the election of that person was furthered by the conduct which in the case of an election regulated by the Representation of the People Act 1983 (amended by s.17 and Schedule 3, paragraphs 1 and 30 of the Greater London Authority Act 1999) 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 J to the Scheme);
- (c) that the person elected contravened the requirements of paragraph 24, or did not comply with the requirements of paragraph 25, of this Scheme.

28. If any candidate declared to have been elected fails to submit a return of expenditure and statutory declaration in accordance with the requirements of paragraph 25 of this Scheme, or if a return submitted under the requirements of that paragraph indicates that expenditure has been incurred in excess of that authorised under paragraph 24 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 22 of this Scheme.

29.—(1) Any protest under paragraph 27, or any report by the Returning Officer under paragraph 28 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 the person concerned.

(3) If the Council are satisfied—

- (a) that the expenditure incurred by him or on his behalf in the conduct or management of the election exceeded the limit specified in paragraph 24 of this Scheme,
- (b) that he has failed to furnish a true and complete return of expenditure as required by paragraph 25 of this Scheme,
- (c) that the election of the person concerned was furthered by such conduct as is described in paragraph 27(b) of this Scheme, or
- (d) that this election was in some other respect not in accordance with the requirements of this Scheme,

then (unless, in case (d), 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 requirements 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 23 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 to be disqualified from being nominated as a candidate in such further election, and if they declare him so disqualified any nomination of that person shall be rejected as invalid by the Returning Officer.

30. Any declaration made by the Council under paragraph 29 of this Scheme shall be published and shall be binding upon all persons.

31. A person elected under this Scheme shall come into office as a member of the Council immediately after the expiration of the term of office of the members previously elected to represent registered opticians:

Provided that any person who is the subject of any protest made under paragraph 27 of this Scheme or of any report made under paragraph 28 of this Scheme shall not come into office unless and until such protest or report shall have been considered and disposed of by the Council.

Part XI—Revocation

32. The General Optical Council Election Scheme 1965, the General Optical Council Election Scheme Amendment Scheme 1966, the General Optical Council Election Amendment Scheme 1970, the General Optical Council Election Scheme 1974, the General Optical Council Election (Amendment) Scheme 1981 and the General Optical Council Election (Amendment) Scheme 1986 are hereby revoked.

Sealed on the thirteenth June two thousand and one.



Attested by:

D. V. L. Perkins
Member of Council

D. A. Barnes
Member of Council

Peter C. Coe
Registrar

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME 2001

Form of the Notice of Election required under paragraph 7 of the Election Scheme

1. Notice is hereby given that an election of six representatives of registered ophthalmic opticians and five representatives of registered dispensing opticians in the United Kingdom is about to be held.
2. Candidates must be nominated by six registered ophthalmic opticians, or six registered dispensing opticians, as appropriate, in a nomination paper in the form enclosed herewith. The form states the full requirements of the Election Scheme with regard to nomination. I will supply further forms on request.
3. A candidate for election as a representative of registered ophthalmic opticians must have his registered address or, if he is not a registered optician, his principal place of residence in the country for which he is standing. The persons nominating him must be registered opticians whose registered addresses are in that country.
4. If a poll is necessary it will be held in the month of
A registered ophthalmic optician will be entitled to vote for six candidates, and a registered dispensing optician will be entitled to vote for five candidates.
5. Nominations must reach me at:

by

.....
Returning Officer

APPENDIX B

(See paragraph 8)

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME 2001

Form of the Nomination Paper for Candidates for Election as Representatives of Registered Ophthalmic Opticians in [England] [Northern Ireland] [Scotland] [Wales]

PART I

We, the undersigned, being registered ophthalmic opticians whose registered addresses are in [England] [Northern Ireland] [Scotland] [Wales]*, hereby nominate

.....
for election to the General Optical Council as a representative of registered ophthalmic opticians.

(*delete as necessary)

Signature of Nominator(s)	No. in register	Registered Address

Six signatures are required, and the candidate must sign each form on which signatures are submitted. "Registered Address" means the address entered in the register as the permanent address.

See over for PART II to be completed by the candidate

PART II

I hereby declare that I am the person nominated in this form, that I consent to be so nominated, and that I will accept office if I am duly elected and that either—

(a) I am a registered optician and my registered address is in *[England] [Northern Ireland] [Scotland] [Wales]*,*

or

(b) I am not a registered optician and my principal place of residence is in *[England] [Northern Ireland] [Scotland] [Wales]*.*

(*delete as necessary)

Signature of Nominated Candidate	No. in register if a registered optician	Registered Address/Principal place of residence
Profession or Occupation	Titles or qualifications	

Notes

1. Nominations are valid only if made in this form and if received at:

by 5 p.m. on

2. This paper may be used only for a single candidate. A registered ophthalmic optician whose registered address is in England may join in nominating up to three candidates on separate papers, but if he joins in nominating more than three candidates his signature is valid only on the first three nomination papers in order of receipt. If a registered ophthalmic optician whose registered address is in Northern Ireland, Scotland or Wales joins in nominating more than one candidate, his signature is valid only on the nomination paper first received.

APPENDIX C

(See paragraph 9)

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME 2001

Form of Nomination Paper for Candidates for Election as Representatives of Registered Dispensing Opticians

PART I

We, the undersigned, being registered dispensing opticians whose registered addresses are in the United Kingdom, hereby nominate

.....
for election to the General Optical Council as a representative of registered dispensing opticians.

Signature of Nominator(s)	No. in register	Registered Address

Six signatures are required, and the candidate must sign each form on which signatures are submitted. "Registered Address" means the address entered in the register as the permanent address.

See over for PART II to be completed by the candidate

PART II

I hereby declare that I am the person nominated in this form, that I consent to be so nominated, and that I will accept office if I am duly elected and that either—

(a) I am a registered optician and my registered address is in the United Kingdom*

or

(b) I am not a registered optician and my principal place of residence is in the United Kingdom.*

(*delete as necessary)

Signature of Nominated Candidate	No. in register if a registered optician	Registered Address/Principal place of residence
Profession or Occupation	Titles or qualifications	

Notes

1. Nominations are valid only if made in this form and if received at:

by 5 p.m. on

2. This paper may be used only for a single candidate. A registered dispensing optician may join in nominating up to five candidates on separate papers, but if he joins in nominating more than five candidates his signature is valid only on the first five nomination papers in order of receipt.

APPENDIX D

(See paragraph 17)

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME 2001

Form of Voting Paper for Election of Representatives of Registered Ophthalmic Opticians

Instructions to Voters

1. Registered ophthalmic opticians whose registered addresses are in the United Kingdom are entitled to vote for not more than three candidates from those nominated for England and not more than one candidate from those nominated for each of Northern Ireland, Scotland or Wales.
2. The voter must record his vote by putting a mark thus X against the name in the voting paper of not more than three of the candidates for England and not more than one candidate for each of Northern Ireland, Scotland or Wales.
3. The voter must then put this voting paper in the envelope provided for the return of the voting paper, seal this envelope without making on it any distinguishing mark, and take or send it with its contents to:

.....
4. If the envelope and its contents is sent by post it must be stamped. It must reach

..... by 5 p.m. on
5. Persons now elected hold office for five years from January 1st next.

See over for form of Voting Paper

VOTING PAPER

Candidates nominated for ENGLAND

Vote for not more than THREE candidates

Names, descriptions and addresses of candidates	Column for the voter's Mark X

Candidates nominated for NORTHERN IRELAND

Vote for not more than ONE candidate

Names, descriptions and addresses of candidates	Column for the voter's Mark X

Candidates nominated for SCOTLAND

Vote for not more than ONE candidate

Names, descriptions and addresses of candidates	Column for the voter's Mark X

Candidates nominated for WALES

Vote for not more than ONE candidate

Names, descriptions and addresses of candidates	Column for the voter's Mark X

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME 2001

Form of Voting Paper for Election of Representatives of Registered Dispensing Opticians

Instructions to Voters

(N.B. Instructions 1 and 2 to be adapted if there is an election for a single seat only.)

1. Registered dispensing opticians whose registered addresses are in the United Kingdom are entitled to vote for five candidates.
2. The voter must record his vote by putting a mark thus X against the names of not more than five of the candidates given in the voting paper.
3. The voter must then put this voting paper in the envelope supplied for the return of the voting paper, seal this envelope without making on it any distinguishing mark, and take or send it with its contents to:
.....
4. If the envelope and its contents is sent by post it must be stamped. It must reach
..... by 5 p.m. on
5. Persons now elected hold office for five years from January 1st next.

VOTING PAPER

Names, descriptions and addresses of candidates	Column for the voter's Mark X

APPENDIX F

(See paragraph 17)

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME 2001

Form of List of Candidates for Election as Representatives of Ophthalmic Opticians and their Nominators

List of Candidates and Nominators—ENGLAND

Names, descriptions and addresses of candidates	Names and registered addresses of nominators

List of Candidates and Nominators—[NORTHERN IRELAND] [SCOTLAND] [WALES]

Names, descriptions and addresses of candidates	Names and registered addresses of nominators

APPENDIX G

(See paragraph 17)

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME 2001

Form of List of Candidates for Election as Representatives of Dispensing Opticians and their Nominators

List of Candidates and Nominators

Names, descriptions and addresses of candidates	Names and registered addresses of nominators

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME 2001

Form of Return of Election Expenses

Item		Expenditure by the Candidate £	Expenditure by other persons on behalf of the candidate £
A.	<i>Meetings</i> e.g. payments to speakers, hire of halls		
B.	<i>Publicity in the press</i> e.g. payments for advertisements, or to authors or editors		
C.	<i>Issue of leaflets or circulars</i> e.g. payments to authors, editors or distributors, cost of paper and printing		
D.	<i>Postage, etc.</i> e.g. postage for leaflets or for letters; cost of telephone calls and telegrams		
E.	<i>Payments to agents or supporters</i> e.g. remuneration, expenses		
F.	<i>Miscellaneous expenditure</i> This should <i>not</i> include reasonable travelling and subsistence expenses (a) of the candidate and his family, or (b) not defrayed by or on behalf of the candidate		
TOTALS:			

APPENDIX I

(See paragraph 25)

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME 2001

Form of Statutory Declaration in Support of Return of Election Expenses

I,, do solemnly and sincerely declare that the return of election expenses submitted herewith includes all the expenses which I have incurred, or which to the best of my knowledge and belief have been incurred on my behalf by other persons, in the conduct or management of my candidature for election as a representative of registered opticians, with the exception of reasonable travelling and subsistence expenses of myself or my family and of reasonable travelling and subsistence expenses that may have been incurred by other persons and defrayed by them privately; and that to the best of my knowledge and belief the expenditure incurred by me or on my behalf complies with the restrictions imposed by paragraph 24 of the General Optical Council Election Scheme 2001 and that I have not been a party to any bribery, treating or undue influence within the meaning of sections 113, 114 and 115 of the Representation of the People Act 1983 (amended by s17 and Schedule 3, paragraphs 1 and 30 of the Greater London Authority Act 1999); and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

APPENDIX J

(See paragraph 27)

THE GENERAL OPTICAL COUNCIL ELECTION SCHEME 2001

SECTIONS 113, 114, AND 115 OF THE REPRESENTATION OF THE PEOPLE ACT 1983

(as amended by s.17 and Schedule 3, paras 1 and 30 of the Greater London Authority Act 1999)

Bribery, treating and undue influence

Section 113: Bribery

(1) A person shall be guilty of a corrupt practice if he is guilty of bribery.

(2) A person shall be guilty of bribery if he, directly or indirectly, by himself or by any other person on his behalf—

- (a) gives any money or procures any office to or for any voter or to or for any other person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting; or
- (b) corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting; or
- (c) makes any such gift or procurement as aforesaid to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at an election or the vote of any voter;

or if upon or in consequence of any such gift or procurement mentioned above he procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any voter.

For the purposes of this subsection—

- (i) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration; and
- (ii) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment; and
- (iii) references to procuring the return of any person at an election include, in the case of an election of the London members of the London Assembly at an ordinary election, references to procuring the return of candidates on a list of candidates submitted by a registered political party for the purposes of that election.

(3) A person shall be guilty of bribery if he advances or pays or causes to be paid any money to or to the use of any other person with the intent that that money or any part of it shall be expended in bribery at any election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

(4) The foregoing provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an election.

(5) A voter shall be guilty of bribery if before or during an election he directly or indirectly by himself or by any other person on his behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(6) A person shall be guilty of bribery if after an election he directly or indirectly by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(7) In this section the expression “voter” includes any person who has or claims to have a right to vote.

Section 114: Treating

(1) A person shall be guilty of a corrupt practice if he is guilty of treating.

(2) A person shall be guilty of treating if he corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person—

- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or
- (b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(3) Every elector or proxy for an elector who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.

Section 115: Undue influence

(1) A person shall be guilty of a corrupt practice if he is guilty of undue influence.

(2) A person shall be guilty of undue influence—

- (a) if he, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting; or on account of that person having voted or refrained from voting; or
- (b) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents the free exercise of the franchise of an elector or proxy for an elector, or thereby compels, induces or prevails upon an elector or proxy for an elector either to vote or to refrain from voting.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves the election Scheme submitted to the Privy Council by the General Optical Council that revokes and replaces the 1974 Scheme. The Order also revokes a previous Order of Council that becomes spent on the revocation of the Scheme scheduled to it. The new Scheme reflects the changes to the membership of the General Optical Council made by the General Optical Council (Membership) Order of Council 1998.

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