

SCHEDULE

THE GENERAL DENTAL COUNCIL (ELECTION OF MEMBERS) RULES 2002

The General Dental Council, in exercise of the powers conferred on them by paragraph 3(2) of Schedule 1 to the Dentists Act 1984⁽²⁾ and of all other powers enabling them in that behalf, hereby make the following Rules:

Citation and commencement

1. These Rules may be cited as the General Dental Council (Election of Members) Rules 2002 and shall come into force on 30th September 2002.

Interpretation

2. In these Rules unless the context otherwise requires—

“the Act” means the Dentists Act 1984;

“by-election” means an election to fill a casual vacancy among the elected members of the Council;

“candidate” means any person eligible to be nominated for election in a constituency who has been validly nominated for election in accordance with these rules;

“constituency” means

- (a) England, the Isle of Man and the Channel Islands, in the case of an election in which registered dentists whose addresses in the dentists register are in England, the Isle of Man or the Channel Islands are entitled to vote;
- (b) Wales, in the case of an election in which registered dentists whose addresses in the dentists register are in Wales are entitled to vote;
- (c) Scotland, in the case of an election in which registered dentists whose addresses in the dentists register are in Scotland are entitled to vote;
- (d) Northern Ireland, in the case of an election in which registered dentists whose addresses in the dentists register are in Northern Ireland are entitled to vote;
- (e) England, the Isle of Man, the Channel Islands, Wales, Scotland and Northern Ireland, in the case of an election in which enrolled dental auxiliaries whose addresses in a roll of dental auxiliaries are in England, the Isle of Man, the Channel Islands, Wales, Scotland or Northern Ireland are entitled to vote;

“Council” means the Council as constituted under section 1(2A) of the Act;

“general election” means an election to elect all the elected members of the Council;

“registered” means, in respect of dental auxiliaries, presence on a roll of dental auxiliaries kept by the Council under the Act, and “registered address” and “registration” shall be construed accordingly;

“Single Transferable Vote procedure” means the Single Transferable Vote procedure set out in “How to conduct an election by the Single Transferable Vote” by Robert A Newland MSc FIMA & Frank S Britton MBE (MILY) published in London by The Electoral Reform Society 1997 Third Edition ISBN 0 903291 18 5 Dewey 324.2;

“valid vote” means a voting paper completed by a person entitled to vote in an election and submitted in accordance with these Rules from which the person’s voting intention can be unequivocally ascertained.

(2) 1984 c. 24 as amended by 2001/3926.

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Election Scheme

3. Members of the Council shall be elected in accordance with the election scheme provided for by these Rules.

General Election

4. In a general election, elections shall be held simultaneously as follows—

- (a) 11 members who are registered dentists from England, the Isle of Man or the Channel Islands shall be elected by registered dentists whose addresses in the dentists register are in England, the Isle of Man or the Channel Islands;
- (b) 1 member who is a registered dentist from Wales shall be elected by registered dentists whose addresses in the dentists register are in Wales;
- (c) 2 members who are registered dentists from Scotland shall be elected by registered dentists whose addresses in the dentists register are in Scotland;
- (d) 1 member who is a registered dentist from Northern Ireland shall be elected by registered dentists whose addresses in the dentists register are in Northern Ireland;
- (e) 4 members who are enrolled dental auxiliaries shall be elected by enrolled dental auxiliaries whose addresses in a roll of dental auxiliaries are in England, the Isle of Man, the Channel Islands, Wales, Scotland or Northern Ireland.

By-election

5.—(1) A by-election shall be held in the constituency in respect of which a casual vacancy has arisen.

(2) Persons eligible to be nominated for election in that constituency in a general election shall be eligible to be nominated for election in that constituency in a by-election.

(3) Persons entitled to vote in a constituency in a general election shall be entitled to vote in a by-election in that constituency.

Returning Officer

6.—(1) The Registrar of the Council shall act as Returning Officer, and shall appoint a Deputy Returning Officer and an Agent to conduct the count. The Returning Officer shall determine the date of a general election and any by-election in accordance with the Act and these Rules.

(2) Until the date on which the amendments made by Part II of the Dentists Act 1984 (Amendment) Order 2001(1) are wholly in force, a reference to “the Council” shall, for the purposes of this rule, be construed as a reference to the Council as constituted prior to that date and after that date shall be construed as a reference to the Council within the meaning of rule 2.

Nomination

7. The Returning Officer shall fix the last date on which nomination papers may be returned and at least twenty-eight days before that date shall give public notice of an election. The notice shall specify the number of persons to be elected in each constituency, the place to which nomination papers are to be returned and the date by which they are to be returned.

8.—(1) Each candidate for election shall be nominated separately, each nomination supported by the signatures of ten other persons entitled to vote in the constituency in which he is a candidate, on

(1) S.I.2001/3926.

nomination papers provided on request by the Returning Officer. Nomination papers for the election of dentists shall be in the form given in Schedule I to these Rules, and nomination papers for the election of dental auxiliaries shall be in the form given in Schedule II to these Rules.

(2) Any person entitled to vote in a constituency may sign the nomination paper of any number of candidates in that constituency.

9. A candidate for election may stand only in the constituency of his registered address at the time of his nomination.

10. Every nomination paper shall, on or before the last date fixed for the return of nomination papers, be delivered, by hand or by registered post, at the place appointed. A nomination paper may be withdrawn by notice in writing signed by the candidate and delivered to the Returning Officer on or before that date.

11. A nomination paper which has not been duly completed shall be invalid.

12. If a nominated candidate dies or ceases to be a registered dentist or an enrolled dental auxiliary before the close of the nomination period, the nomination shall be treated as having been withdrawn.

13. In any constituency, if the number of candidates is equal to the number of persons to be elected by that constituency, the Returning Officer shall declare the candidate or candidates elected.

14. In any constituency, if the number of candidates exceeds the number of persons to be elected, the Returning Officer shall conduct an election according to the principle of proportional representation by the method of the single transferable vote and in accordance with the Single Transferable Vote procedure.

15. In any constituency, if the number of candidates is lower than the number of persons to be elected, the Returning Officer shall declare the candidates elected, and a by-election shall then be held in the constituency to secure the remaining Council members.

Voting

16. At least 14 days before the closing date for receipt of votes the Returning Officer shall send to each person entitled to vote a voting paper for the appropriate constituency. The voting paper shall give the registered names, registered addresses and registration numbers of all the candidates nominated for that constituency, the closing date for receipt of votes and instructions on the voting procedure.

17. The Returning Officer shall record on the voting paper against the name of a candidate all current registered details and details of the date and terms of any decision by the Professional Conduct Committee, or Dental Auxiliaries Committee, to suspend or erase the candidate's name from the Dentists Register or the Rolls of Dental Auxiliaries.

General Procedure

18. After the last day for receipt of votes, the Returning Officer shall instruct the Agent to count the valid votes in accordance with the Single Transferable Vote procedure.

19. The Returning Officer shall inform all candidates of the outcome of the election and publish the results.

20. If it appears to the Returning Officer that an election has been conducted substantially in compliance with these Rules and the Single Transferable Vote procedure, and the Returning Officer is satisfied that the result of any non-compliance did not affect the return of any candidate at the election, then the election shall be valid. On this and any other matter concerning the election the decision of the Returning Officer shall be final.

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