
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 352

The Health Board Elections (Scotland) Regulations 2009

Identification of unelected candidate to fill vacancy

5.—(1) For the purposes of paragraph 11(2)(b) of Schedule 1A to the 1978 Act, the “unelected candidate” who is to be invited to fill a vacancy is the individual who was credited at the last stage of the count at which a candidate was deemed to be elected with the greatest number of votes amongst the candidates who were not elected.

(2) If that individual does not accept the invitation to be an elected member, the invitation may be extended to the individual with the next greatest number of votes at that stage.

(3) If two or more individuals were credited with the same number of votes, being the greatest or next greatest number of votes as specified in paragraph (1) or (2), the individual to be invited to fill the vacancy is to be determined by lot.

(4) If no individual fulfils the criteria specified in paragraph (1), (2) or (3) the Scottish Ministers may appoint an individual to fill the vacancy provided that individual would be qualified to be a candidate at a Health Board election in terms of rule 10(1) and would not be disqualified from being a candidate in terms of rule 10(2).