

Council meeting 1 & 2 August 2006

PUBLIC BUSINESS

## **Election scheme for National Pharmacy Boards**

### **Purpose**

This paper proposes a draft election scheme for the Society's national pharmacy boards.

### **Strategic objective domains**

- Influencing the development of the pharmacist to play a more inclusive part in healthcare, public health and social care
- An organisation that consistently performs as a regulator, professional representative leader and publisher

### **Key Objective**

Implement national pharmacy boards in England, Scotland and Wales through initial elections in 2006, and establish effective working relationships based on the protocol agreed by the Council in 2005

### **Recommendation**

The Council is asked to approve the draft election scheme for the national pharmacy boards (Appendix A).

#### **1. General**

- 1.1 The Council has approved draft regulations, which have been gazetted, concerning the Society's national pharmacy boards. The draft regulations state that members will be elected to the boards in accordance with a scheme made by the Council. The election scheme will not form part of the regulations but must be consistent with them. The draft scheme avoids repeating the terms of the regulations as far as possible.
- 1.2 The draft election scheme for the boards (Appendix A) has been informed by: the draft regulations for establishment and maintenance of the boards; the Council's decisions on the composition of the boards; the objective to hold initial elections to the boards in 2006; the regulations governing Council elections and the Governance Committee's views on how those regulations might be improved (see paper 06.08/C/76), and external legal advice received. The scheme takes account of comments received from the Welsh and Scottish Executives.
- 1.3 It is anticipated that the first elections to the boards will take place in late 2006, with board members taking office in January 2007. In future years, it is proposed to hold elections to the boards concurrently with Council elections, with board members taking office in June (see sub-paragraph 4(2) in the scheme). The provisions in Section 9 of the scheme (Terms of Office) are designed to allow those members elected to the boards with the highest numbers of votes in the first election to have a slightly longer

term of office (3 yrs, 5 months) so as to allow subsequent elections to be for a three-year term. This means there would be no election to the boards in 2007 but an election every year thereafter. Section 9 provides for longer and shorter terms of office based on the voting in the first election, so as to enable a third of board members to retire each year in future. It is proposed that the candidates elected to the places for community, hospital, academic and industrial practice on the English Pharmacy Board have a longer term of office following the first election (9(1)(a)). This is on the basis that it would assist the successful establishment of the English Pharmacy Board to have consistent sources of advice from these sectors within the board's membership for its first term. This means that the person elected to the primary care/public health place would have a slightly shorter term (9(1)(b)): this could be changed for one of the other sectors if preferred. The provisions for the Welsh Pharmacy Board provide for the pharmacy technician member to be among those having the longest term of office following the first election. Again, this is to ensure consistent pharmacy technician input to the board during its first term but is also in line with views previously received from Wales.

- 1.4 It is estimated that holding the boards elections concurrently with Council elections would save ca. £11,500 p.a. in mailing costs (based on a turnout of around 25%). There is a risk that having the ballot papers for both elections in one envelope could cause confusion, increasing the likelihood of spoilt ballot papers. There is also a possibility that the Council election might overshadow the boards election, reducing interest in the latter. However, these arrangements could be reviewed as part of the review already agreed to take place near the end of the boards' first term of office.
- 1.5 Holding the Council and boards elections concurrently means that provisions must be included in the scheme relating to persons standing in both elections, so as to ensure that the composition of the boards is as agreed by the Council (ie. that Council members may not serve as elected members of the Welsh and Scottish Pharmacy Boards and that the Council member elected in the constituency of England, Isle of Man and Channel Islands shall be a member of the English Pharmacy Board as of right). These appear at 11(8)-(11) in the scheme.
- 1.6 Section 20 of the scheme relates to filling casual vacancies. This states that there should be a minimum period of one month between the secretary inviting nominations and the board selecting someone to fill such a vacancy. This is intended to avoid any possibility of a board being bounced into a co-option when one name is put forward and board members have not had time to identify other potential nominees. It should also allow a potential co-optee some time to consider whether they wish to serve on the board and to consult with their employer if appropriate. The period for which a person filling a casual vacancy will serve is covered in the regulations governing the boards.

## **2. Risk Implications**

- 2.1 Much of the risk associated with devolution comes from failing to meet the constitutional challenges presented by it. These were identified in the Devolution Review Group's report.

- 2.2 The forward plan for bringing the boards into existence is attached as Appendix B. A delay to approval of the election scheme would cause this timetable to slip.

### 3. Resource Implications

- 3.1 Some £140,000 has been included in the 2006 budget against direct costs associated with implementation of the Devolution Review Group's recommendations (2005, £125,000).
- 3.2 The national meetings all felt that the remit and membership of all RPSGB committees would need to be reviewed in the light of the establishment of the National Pharmacy Boards. Until this is done, it is not clear what additional cost the English Pharmacy Board -- which will have 15 members, together with the President and Vice-President of Council as *ex-officio* attendees -- will incur over and above that incurred by the current structures. The elections to the English Pharmacy Board represent a new cost, estimated at ca. £4,000 p.a. (plus additional postage costs if the pack weight exceeds 60g).
- 3.3 The Scottish Executive currently has 18 members, together with, *ex officio*, the President, Vice-President and other members of the Council who live in Scotland. The Scottish Pharmacy Board as currently agreed will have a membership of 12, with the ability to co-opt up to 3 others. The President and Vice-President of Council, with the pharmacist elected in the Scottish national constituency and a lay member of Council resident in Scotland, will be included *ex officio*.
- 3.4 The Welsh Executive currently has 12 members, together with the President, Vice-President and other members of the Council resident in Wales *ex officio*. The Welsh Pharmacy Board as currently agreed will have a membership of 12, with the ability to co-opt up to 3 others. The President or Vice-President of the Council, the pharmacist elected in the Welsh national constituency and a lay member of Council resident in Wales would be included *ex officio*.
- 3.5 It is anticipated that the costs of elections to the Welsh and Scottish Boards will be broadly similar to the costs of elections to the current Executives. There will be a saving in postage from running the elections concurrently with the Council elections but also an increase from providing additional information to voters with the ballot papers. While the Welsh and Scottish Boards will probably need some additional dedicated staff resource based in Cardiff and Edinburgh to deliver a changed remit, the Welsh and Scottish Board structures themselves might be thought of as replacing the existing Executives, at little or no additional cost. The budgeted funding will provide for this recruitment and a secretariat function in London for the English Pharmacy Board. The full year cost (in 2007) is likely to be in the order of £170,000.

### 4. Recommendation

The Council is asked to approve the draft election scheme for the national pharmacy boards (Appendix A).

Christine Gray, Head of Corporate Governance  
Elaine Mulingani, Internal Governance Co-ordinator

**Appendix A**

**Draft election scheme for members of national pharmacy boards**

1. Elections
2. Interpretation
3. Returning Officer
4. Effective date
5. Reserved places on the English Pharmacy Board for pharmacists in particular sectors of practice
6. Election of pharmacists to reserved places and remaining places on the English Pharmacy Board
7. Election of pharmacists to the Scottish Pharmacy Board
8. Election of pharmacists and pharmacy technicians to the Welsh Pharmacy Board
9. Terms of office
10. Frequency of elections
11. Eligibility for election
12. Restrictions on continuous service
13. Eligibility to vote
14. Notice of election
15. Nominations
16. Election statements
17. Holding of ballot
18. Voting
19. The Scrutineer and outcome of election
20. Casual vacancies
21. Challenges and the effect of non-compliance with this scheme

## 1. Elections

- (1) Elections to elect pharmacists or pharmacy technicians to membership of boards shall be held in accordance with this scheme.

## 2. Interpretation

- (1) In this scheme—

‘board’ means one of the national pharmacy boards (English Pharmacy Board, Scottish Pharmacy Board and Welsh Pharmacy Board) established by the Council of the Society by regulation;

‘Council’ means the Council of the Society

‘day’ means calendar day, and any period of days shall be counted without the omission of any public holidays or other days;

‘the effective date’ shall be construed in accordance with paragraph 4;

‘the Journal’ means The Pharmaceutical Journal;

‘pharmacy technician’ means a person registered in the Register of Pharmacy Technicians and not registered in the Register of Pharmacists;

‘the register’ means, unless the context otherwise requires, as respects any registrant—

- (a) the one of the Society’s registers in which he is registered; or
- (b) if he is registered in both of the Society’s registers, both registers;

‘Register of Pharmacists’ means the register of pharmaceutical chemists;

‘Register of Pharmacy Technicians’ means the register of pharmacy technicians maintained by the Society;

‘Scrutineer’ shall be construed in accordance with paragraph 19;

‘Secretary’ means the Secretary of the relevant board and includes any deputy or acting Secretary or other person fulfilling the office of Secretary and any employee of the Society authorised by the Secretary;

‘the Society’s registers’ means the Register of Pharmacists and the Register of Pharmacy Technicians.

## 3. Returning Officer

- (1) The Secretary of each board shall act as Returning Officer for elections to that board under this scheme and shall be responsible for the conduct of them.

- (2) The Returning Officer shall—
- (a) publish guidance for candidates on the length, form and content of election statements;
  - (b) specify the method, place, date and latest time for return of nominations and voting forms;
  - (c) determine any question as to the eligibility of any candidate to stand for election;
  - (d) determine any question as to the eligibility of any person to vote in an election;
  - (e) in the event of challenge, determine the outcome of any election;
  - (f) in the event of challenge, determine the interpretation of this scheme;
  - (g) notify the relevant board of any members whose term of office is due to expire and any casual vacancies that may arise;
  - (h) publish the Notice of Election;
  - (i) oversee the running of elections;
  - (j) take all reasonable steps to ensure the secrecy of the ballot and to guard against electoral malpractice;
  - (k) inform the board and all candidates of the outcome of any election; and
  - (l) publish the result of any elections held.
- (3) The Returning Officer may request the Society to appoint bodies or persons (not being members of a board, the Council or a committee of the Council) to provide him with such administrative assistance as he considers necessary, to enable him to carry out his functions under this scheme.
- (4) In the event of a severe civil contingency or interruption of postal services, the Returning Officer may vary such—
- (a) time limits; and
  - (b) method of delivery of documents,
- specified in this scheme as he considers necessary in the interests of fairness.
- (5) All decisions taken by the Returning Officer in the exercise of his functions, and his interpretation of this scheme, shall be final.

#### **4. Effective date**

- (1) Each board shall, on the advice of its Returning Officer, fix in each year, a date on which members of that board elected in that year shall take office ('the effective date').
- (2) The effective date shall ordinarily be in June but may, upon the advice of the Returning Officer, be fixed in another month.
- (3) The Returning Officer shall publish the effective date on the Society's website and in the Journal, as soon as practicable after it has been fixed by the board.

**5. Reserved places on the English Pharmacy Board for pharmacists in particular sectors of practice**

- (1) Five places on the English Pharmacy Board shall be reserved for pharmacists who practise in each of five sectors of practice.
- (2) The five sectors of practice shall be—
  - (a) community;
  - (b) hospital;
  - (c) industry;
  - (d) academia; and
  - (e) primary care or public health.

**6. Election of pharmacists to reserved places and remaining places on the English Pharmacy Board**

- (1) Pharmacists shall be elected to the English Pharmacy Board on a simple majority basis by ballot of pharmacists whose addresses in the Register of Pharmacists are in England.
- (2) No candidate may be nominated for election to more than one place reserved for a pharmacist practising in a particular sector of practice in the same election.
- (3) A candidate may be nominated for election to a place reserved for a pharmacist practising in a particular sector of practice and for election to a place which is not so reserved in the same election.
- (4) In the circumstances referred to in paragraph (3) above—
  - (a) the candidate practising in each of the five sectors referred to in 5(2) above who receives the highest number of votes shall be deemed to have been elected to the place reserved for that sector; and
  - (b) any votes received by that candidate in respect of a place not reserved for a particular sector in the same election shall be void.

**7. Election of pharmacists to the Scottish Pharmacy Board**

- (1) Pharmacists shall be elected to the Scottish Pharmacy Board on a simple majority basis by ballot of pharmacists whose addresses in the Register of Pharmacists are in Scotland.

**8. Election of pharmacists and pharmacy technicians to the Welsh Pharmacy Board**

- (1) Pharmacists shall be elected to the Welsh Pharmacy Board on a simple majority basis by ballot of pharmacists whose addresses in the Register of Pharmacists are in Wales.
- (2) The pharmacy technician member of the Welsh Pharmacy Board shall be elected on a simple majority basis by ballot of registered pharmacy technicians whose addresses in the Register of Pharmacy Technicians are in Wales.

## 9. Terms of office

- (1) In relation to the first election to the English Pharmacy Board:
  - (a) the term of office of the pharmacists elected to the places reserved for pharmacists practising in the community, hospital, industry and academia sectors shall expire at midnight on the day before the effective date in 2010;
  - (b) the term of office of the pharmacist elected to the place reserved for a pharmacist practising in the primary care or public health sector and the three pharmacists elected with the highest number of votes to places not reserved to a particular sector of practice shall expire at midnight on the day before the effective date in 2009; and
  - (c) the term of office of the remaining four pharmacists elected to the English Pharmacy Board shall expire at midnight on the day before the effective date in 2008.
- (2) In relation to the first election to the Scottish Pharmacy Board:
  - (a) the term of office of the four pharmacists elected with the highest number of votes shall expire at midnight on the day before the effective date in 2010;
  - (b) the term of office of the four pharmacists elected with the next highest number of votes shall expire at midnight on the day before the effective date in 2009; and
  - (c) the term of office of the remaining four pharmacists shall expire at midnight on the day before the effective date in 2008.
- (3) In relation to the first election to the Welsh Pharmacy Board:
  - (a) the term of office of the pharmacy technician member and the three pharmacists elected with the highest number of votes shall expire at midnight on the day before the effective date in 2010;
  - (b) the term of office of the four pharmacists elected with the next highest number of votes shall expire at midnight on the day before the effective date in 2009; and
  - (c) the term of office of the remaining four pharmacists shall expire at midnight on the day before the effective date in 2008.
- (4) Subject to (1) to (3) above, the term of office of members elected to the boards shall —

- (a) be for a period of three years; and
- (b) expire at midnight on the day before the effective date in the third year after they were elected.

#### 10. Frequency of elections

- (1) Elections to each board shall be held in each year for the places on the board held by elected members whose term of office is due to expire in that year and to fill any other vacancy among the elected membership of a board which exists at the time when the Notice of Election referred to in paragraph 14(1) is published.

#### 11. Eligibility for election

- (1) A pharmacist or pharmacy technician shall be eligible for election only if his name appears within Part 1 (practising) of the Register of Pharmacists or, as the case may be, the Register of Pharmacy Technicians.
- (2) A pharmacist shall be eligible for election to the English Pharmacy Board only if his address in the Register of Pharmacists is in Great Britain and he lives or works wholly or mainly in England.
- (3) A pharmacist shall be eligible for election to the Scottish Pharmacy Board only if his address in the Register of Pharmacists is in Scotland.
- (4) A pharmacist or pharmacy technician shall be eligible for election to the Welsh Pharmacy Board only if his address in the Register of Pharmacists or, as the case may be, the Register of Pharmacy Technicians is in Wales.
- (5) If in the opinion of a board any elected member of that board ceases to meet the requirements relating to his registered address or, in the case of the English Pharmacy Board, ceases to live or work wholly or mainly in England, he shall cease to be a member of the board.
- (6) No pharmacist or pharmacy technician shall be eligible for election if he has failed to pay by the date and time fixed for the return of nomination forms any retention fee or penalty then due and payable by him to the Society.
- (7) No member of the Council shall be eligible for election to the Scottish Pharmacy Board or the Welsh Pharmacy Board.
- (8) A pharmacist or pharmacy technician may be nominated as a candidate for election to a place on a board if he is also standing as a candidate for election to a place on the Council at the same time.
- (9) If a pharmacist is nominated as a candidate for election to a place on the English Pharmacy Board and as a candidate for election to the Council in the constituency of England, Isle of Man and Channel Islands and is elected to that place on the Council, any votes received by that candidate in respect of a place on the English Pharmacy Board shall be void.

- (10) If a pharmacist is nominated as a candidate for election to a place on the Scottish Pharmacy Board and as a candidate for election to a place on the Council at the same time and is elected to a place on the Council, any votes received by that candidate in respect of a place on the Scottish Pharmacy Board shall be void.
- (11) If a pharmacist or pharmacy technician is nominated as a candidate for election to a place on the Welsh Pharmacy Board and as a candidate for election to a place on the Council at the same time and is elected to a place on the Council, any votes received by that candidate in respect of a place on the Welsh Pharmacy Board shall be void.

## 12. Restrictions on continuous service

- (1) Subject to paragraph (2) below—
  - (a) No person may serve as an elected member of the Scottish Pharmacy Board or the Welsh Pharmacy Board for more than three consecutive terms of office, each of up to three years;
  - (b) No person who has served as a member of the Scottish Pharmacy Board or the Welsh Pharmacy Board for three consecutive terms of office shall be eligible for re-election to that board until a period of three years after leaving office has expired;
  - (c) No person may serve as an elected member of the English Pharmacy Board for more than four consecutive terms of office, each of up to three years; and
  - (d) No person who has served as a member of the English Pharmacy Board for four consecutive terms of office shall be eligible for re-election until a period of three years after leaving office has expired.
- (2) The first term of office served by those members of boards referred to in paragraphs 9(1)(a), (2)(a) and (3)(a) may be up to four years.
- (3) In paragraphs (1) and (2) above, a year shall be reckoned as the period between the effective dates in any two consecutive calendar years.

## 13. Eligibility to vote

- (1) Subject to paragraphs (4) to (5) below—
  - (a) a pharmacist whose address in the Register of Pharmacists is in England at the time the electoral roll is closed, shall be entitled to vote in the election of pharmacist members of the English Pharmacy Board;
  - (b) a pharmacist whose address in the Register of Pharmacists is in Scotland at the time the electoral roll is closed, shall be entitled to vote in the election of pharmacist members of the Scottish Pharmacy Board;
  - (c) a pharmacist whose address in the Register of Pharmacists is in Wales at the time the electoral roll is closed, shall be entitled to vote in the election of pharmacist members of the Welsh Pharmacy Board; and

- (d) a pharmacy technician whose address in the Register of Pharmacy Technicians is in Wales at the time the electoral roll is closed shall be entitled to vote in elections to the seat on the Welsh Pharmacy Board for such technicians.
- (2) Prior to the holding of any election, the Returning Officer shall fix a date on which the electoral roll shall be considered closed for that election.
- (3) The date fixed by the Returning Officer for the close of the electoral roll shall be after the latest time for the withdrawal of nominations, and before the date on which voting papers are expected to be distributed to voters.
- (4) A person who becomes registered with the Society after the date on which the electoral roll is closed shall not be entitled to receive a voting paper in that election.
- (5) A person whose registration with the Society is suspended on the date when the electoral roll is closed shall not be entitled to vote in that election.

#### 14. Notice of election

- (1) Where an election is to be held, the Returning Officer shall publish on the Society's website, and in the Journal, a Notice of Election.
- (2) The Notice of Election shall be published no later than 21 days before the date specified in paragraph (3)(b).
- (3) Before issuing the Notice of Election, the Returning Officer shall—
  - (a) notify the relevant board of the names of those members of the board whose term of office has expired or is due to expire; and
  - (b) fix the place, date and latest time by which all nomination forms shall be returned to him.
- (4) The Notice of Election shall specify—
  - (a) the numbers and description of board places to which persons are to be elected in that election;
  - (b) the method, place, date and latest time by which nominations shall be received by the Returning Officer;
  - (c) the date and latest time by which nominations may be withdrawn;
  - (d) the date on which the electoral roll will be closed;
  - (e) the date on which voting papers are expected to be distributed; and
  - (f) the method, place, date and latest time by which completed voting forms shall be received by the Scrutineer.

#### 15. Nominations

- (1) All nominations shall be made on the form issued by the Returning Officer, and shall comply with the requirements of paragraph (3) below.

- (2) Only one candidate may be nominated on any nomination form.
- (3) A nomination form shall—
- (a) specify the candidate's name, address and registration number as it appears in the register;
  - (b) be signed by the candidate
  - (c) specify the candidate's age;
  - (d) in the case of a candidate for election to the English Pharmacy Board, specify the sector of practice in which the candidate is nominated for election (if applicable);
  - (e) be signed by ten persons who are qualified to vote in the election for that place in the case of a candidate for election to the English Pharmacy Board, or by five persons who are qualified to vote in the election for that place in the case of a candidate for election to the Scottish Pharmacy Board, or by one person qualified to vote in the election for that place in the case of a candidate for election to the Welsh Pharmacy Board; and
  - (f) specify the names and registration numbers of the persons specified in paragraph (e) above, as they appear in the register.
- (4) Any candidate wishing to be nominated shall provide to the Returning Officer by the specified time—
- (a) a completed nomination form, signed by him;
  - (b) a declaration signed by the candidate which confirms that—
    - (i) the information provided on the nomination form is correct,
    - (ii) the candidate consents to being nominated,
    - (iii) if elected, the candidate intends to serve for a full term of office;
  - (c) particulars of the extent and type of work undertaken by the candidate within and for, the profession of pharmacy;
  - (d) a declaration, signed by the candidate —
    - (i) attesting that he has not received a criminal conviction or police caution nor been the subject of any finding, penalty or censure issued by the Council, or a Committee of the Society or any other regulatory or public body, or any other decision by any person or body that the candidate considers relevant, or
    - (ii) setting out details and particulars of any criminal convictions, police cautions and finding, penalty or censure issued by the Council, a Committee of the Society or any other regulatory or public body received by him, and any other decision by any person or body that the candidate considers relevant;
  - (e) a statement, signed by the candidate, confirming that no retention fee or penalty due to the Society from that candidate remains unpaid; and
  - (f) a declaration of the candidate's relevant interests, or a statement signed by him, confirming that he has no relevant interests to declare.
- (5) A candidate may also provide to the Returning Officer:
- (a) particulars of his professional qualifications;
  - (b) his election statement complying with paragraph 16;

- (c) a photograph of himself taken within the previous six months

provided that, if the candidate chooses to supply any of (a), (b) and (c) above, they must be in the form specified in guidance issued for this purpose and must be received by the Returning Officer by the same date and latest time, and in the same place, as that specified for receipt of nominations.

- (6) Nomination forms (together with accompanying material) shall be delivered to the Returning Officer before the latest time specified for the return of nomination forms and to the place and in the manner specified by the Returning Officer.
- (7) The Returning Officer shall declare invalid any purported nomination form which has not been properly signed or completed, is not accompanied by the items mentioned at paragraph (4) (b) to (f) above, is received after the specified latest time for receipt, or which in any other respect does not comply with this scheme.
- (8) A nomination may be withdrawn by notice in writing signed by the prospective candidate and delivered at the place specified for receipt of nomination forms no later than the latest time for receipt of nominations.
- (9) If a prospective candidate dies or ceases to be eligible for election before the close of the nomination period, the nomination shall be deemed to have been withdrawn.
- (10) Upon the expiry of the latest time for receipt of nominations, the Returning Officer shall—
- (a) determine the validity or otherwise of nominations received;
  - (b) inform prospective candidates as to whether or not they have been validly nominated, and where he has decided that a purported nomination is invalid, provide reasons for that decision;
  - (c) publish a list of validly nominated candidates on the Society's website and in the Journal.

## 16. Election statements

- (1) Any person standing for election may request the Returning Officer to publish an election statement provided by him.
- (2) Election statements shall—
- (a) be provided to the Returning Officer by the latest time specified for receipt of nominations; and
  - (b) not contain any falsehoods or misrepresentations, abusive or defamatory material, or material likely to incite hatred or public unrest.
- (3) The Returning Officer shall not publish any election statement which in his opinion—
- (a) would amount to the commission of a criminal offence; or
  - (b) would render the Society potentially liable to civil proceedings.

- (4) The Returning Officer shall not be required to publish an election statement, information about professional activities and statement of relevant interests relating to a candidate which together exceed 630 words.
- (5) The Returning Officer may, in consultation with the candidate, issue a statement of clarification if in his opinion any part of an election statement refers to matters outside the current functions, powers and duties of the board.

### 17. Holding of ballot

- (1) Where, after the expiry of the latest time for receipt of nominations in any election, the number of candidates standing for election does not exceed the number of board places for which they are nominated, the Returning Officer shall—
  - (a) dispense with the need to hold a ballot; and
  - (b) forthwith declare those candidates elected.
- (2) Any places for elected members on a board which remain unfilled after all candidates have been declared elected in accordance with (1)(b) above shall be treated as casual vacancies for the purposes of the board's powers of co-option.
- (3) Where, after the expiry of the latest time for receipt of nominations in any election, the number of candidates standing for election is greater than the number of board places for which they are nominated, the Returning Officer shall cause a ballot to be held.

### 18. Voting

- (1) The Returning Officer shall specify the method, place, date and latest time by which voting forms shall be returned to the Scrutineer.
- (2) No later than 14 days before the specified date for return of voting forms, the Returning Officer shall send, by post or courier, a voting form to each person entitled to vote in that election at his registered address.
- (3) The voting form shall include—
  - (a) a list of the candidates in alphabetical order giving in respect of each candidate his:
    - (i) registered name;
    - (ii) age; and
    - (iii) registered address;
  - (b) the category of board place for which the ballot is being held;
  - (c) the sector of practice in which each candidate has been nominated for election (if applicable);
  - (d) the method, place, date and latest time by which voting forms shall be returned to the Scrutineer;
  - (e) instructions on the voting procedure; and

- (f) a statement confirming that neither the Society nor the Returning Officer has or accepts any responsibility for the accuracy of any information, declaration or election statement provided by candidates.
- (4) The voting form shall disclose the information provided by candidates under subparagraphs 15(4)(d) and (f).
- (5) The period for voting shall commence on the date on which the first voting forms in an election are dispatched by the Scrutineer.
- (6) If, after the period for voting commences, a candidate dies or withdraws his nomination or is found by the Returning Officer to be ineligible to be elected or becomes ineligible to be elected, the votes cast for that candidate shall be void.
- (7) Votes shall only be cast on a voting form provided by or on behalf of the Returning Officer.
- (8) Only one voting form may be completed and returned by each voter. The Scrutineer may replace a voting form on receipt of a request confirming that the original form has not been received or has been lost, destroyed or spoiled, and shall take such steps as are appropriate to ensure that no person may be able to vote twice in the same election.
- (9) The voter shall record his vote or votes on the voting form in accordance with the instructions thereon, placing a mark thus X against the name in the voting form of each candidate for whom he wishes to vote. Each voter shall have as many votes as there are vacancies for which he is eligible to vote.

#### **19. The Scrutineer and outcome of election**

- (1) The Society may appoint a person or persons to act as Scrutineer and, if necessary, Deputy Scrutineer.
- (2) Where no person is currently appointed under paragraph (1) above, the functions of the Scrutineer shall be performed by the Returning Officer.
- (3) The function of the Scrutineer shall be to—
  - (a) preserve the integrity of the election process and take such measures as he considers necessary to guard against, and identify, electoral malpractice;
  - (b) dispatch the voting forms;
  - (c) examine and validate voting forms;
  - (d) count and record votes received; and
  - (e) notify the Returning Officer of the result of the election.
- (4) Where the Scrutineer is unable, for any reason, to carry out his functions, such functions may be performed by the Deputy Scrutineer, or by the Returning Officer.
- (5) At the conclusion of the count, the Scrutineer shall prepare a report specifying—

- (a) the total number of voting forms received;
  - (b) the number of voting forms rejected as invalid;
  - (c) the number of votes cast for each candidate;
  - (d) the names of those elected; and
  - (e) if an election has been decided under paragraph (6) below, a note to that effect.
- (6) In the event of a tie, the election shall be decided between the tied candidates by the drawing of lots conducted by or on behalf of the Scrutineer.

## **20. Casual vacancies**

- (1) Where an elected board member dies, resigns or ceases to be eligible to continue to hold office, the Secretary shall inform the board that a casual vacancy has occurred.
- (2) The Secretary shall invite nominations to fill the casual vacancy from board members and shall inform the board of nominations received.
- (3) At its next meeting which is not less than one month after the Secretary has invited nominations, the board shall select a person from those nominated to fill the casual vacancy.

## **21. Challenges and the effect of non-compliance with this scheme**

- (1) Where the Returning Officer receives any challenge to the results of an election, or any complaint or information which alleges that, or becomes of the opinion that —
  - (a) a candidate was, or has become, ineligible for election;
  - (b) a candidate submitted inaccurate or misleading declarations or statements;
  - (c) a candidate submitted a false or misleading election statement;
  - (d) a candidate committed electoral malpractice; or
  - (e) there has been a failure to comply with this scheme in a significant and material respect,he may, subject to paragraph (2), consider the matter.
- (2) The Returning Officer shall not consider any challenge, or any complaint or information relating to the election, that is received by him after the expiry of 28 days from the date on which the election results are published in The Pharmaceutical Journal.
- (3) Before taking any action in relation to a challenge or complaint relating to an election, the Returning Officer shall—
  - (a) provide details of the challenge or complaint to the candidate(s) concerned; and

- (b) afford the candidate(s) concerned the opportunity to make representations on the allegations and on any subsequent action to be taken by the Returning Officer.
- (4) Upon considering any representations received from the candidate(s) concerned, the Returning Officer may take such action as he considers necessary in the interests of fairness and all the circumstances of the case, which may include—
  - (a) declaring the results of any candidate, or of the whole election, a nullity;
  - (b) disqualifying a candidate or candidates;
  - (c) rerunning any ballot or election.
- (5) Before taking any action in accordance with paragraph (4), the Returning Officer may take further steps to investigate the matter, and may seek legal advice.
- (6) No election held under this scheme shall be invalidated by reason solely of any non-compliance with, or the non-delivery or loss of any document required under, this scheme, if it appears to the Returning Officer that the election was conducted substantially in accordance with this scheme, and that the result of such non-compliance, non-delivery or loss did not affect the return of any candidate at the election.
- (7) The decision of the Returning Officer in relation to any challenge to, or complaint concerning, the election, shall be final.

## Appendix B

## National Pharmacy Boards Forward Plan

	<b>Council</b>	<b>Office</b>
<b>June 2006</b>	Council approves Regulations for gazetting.	
<b>10 June 2006</b>	<b><i>Gazetting of Regulations</i></b>	
<b>Aug 2006</b>	<p>Council to authorise President to approve Regulations for submission to the Privy Council on completion of gazetting period (because, on Wed August 2, only 53 days will have elapsed since the start of gazetting).</p> <p>Council approves election scheme for Boards.</p>	Regulations (with comments, if received) to Privy Council for approval. If necessary and if Privy Council agrees, call for nominations to boards in advance of confirmation of regulations.
<b>Aug-Sept 2006</b>	<b><i>Privy Council confirm Regulations</i></b>	
<b>Oct-Nov 2006</b>	National Pharmacy Board elections/appointments processes	
<b>December 2006</b>	Members of National Pharmacy Boards identified	