

THE Council of the Royal College of Veterinary Surgeons have, in pursuance of paragraph 10 of Schedule 1 to the Veterinary Surgeons Act 1966 (a), amended the Royal College of Veterinary Surgeons Council Election Scheme 1967 (b).

BY virtue of that paragraph 10, the amendment shall not have effect unless approved by the Privy Council.

SCHEDULE

AMENDMENT TO THE ROYAL COLLEGE OF VETERINARY SURGEONS
COUNCIL ELECTION SCHEME 1967

The Council of the Royal College of Veterinary Surgeons, in exercise of its powers under paragraph 10 of schedule 1 to the Veterinary Surgeons Act 1966, hereby makes the following amendment to the Royal College of Veterinary Surgeons Council Election Scheme 1967 (hereinafter referred to as "the Scheme") -

1. The Scheme shall be amended by the deletion of paragraphs 2-25 and the substitution thereof of the following new paragraphs 2-24 –

“Interpretation

- 2.-(1) In this Scheme –

“the Act” means the Veterinary Surgeons Act 1966;

“elector” shall be construed in accordance with paragraph 15;

“Council” means the Council of the Royal College of Veterinary Surgeons;

“Independent Scrutineer” means the body appointed in accordance with paragraph 4;

“last date for despatch of voting papers” shall be construed in accordance with paragraph 7 read with paragraphs 12 and 13;

“last date for nominations” shall be construed in accordance with paragraph 6 read with paragraphs 12 and 13;

“last date for return of voting papers” shall be construed in accordance with paragraph 8 read with paragraphs 12 and 13;

“member” means a member of the College in accordance with sections 3(1) and 6(1) of the Act;

“registered address” means the address entered in the register under section 9 of the Act;

“Returning Officer” shall be construed in accordance with paragraph 3;

“signed” shall include an electronic signature;

“voting papers” means the electronic form used to register a person’s vote.

- (2) Any requirement in this Scheme for any nomination, voting paper, vote cast electronically or by means of telecommunications, or other material to be received by the Returning Officer or the Independent Scrutineer by a date fixed by the Returning Officer or calculated in accordance with these Rules shall be construed as a requirement that it shall be received by him not later than 5.00 pm on that date.

Returning Officer

- 3.-(1) The Registrar of the College shall act as the Returning Officer for each election to the Council.

- (2) In the absence or inability of the Registrar to act of the Returning Officer, the Assistant Registrar, or such other employee of the College as shall be appointed by the Registrar, shall act in their place.
- (3) The Returning Officer shall be responsible for the conduct of each election, subject to and in accordance with the provisions of the Act and this Scheme, and shall exercise the functions conferred upon them by this Scheme.
- (4) The Returning Officer may arrange for the Independent Scrutineer or any other person to carry out on his behalf such administrative functions as they consider appropriate.

Independent Scrutineer

- 4.-(1) Civica Election Services (CES), or such other body as shall be appointed by the Council, shall act as Independent Scrutineer for each election to the Council.
- (2) As well as carrying out its other functions set out in this Scheme, and any functions it carries out on behalf of the Returning Officer in accordance with paragraph 3(4), the Independent Scrutineer shall be responsible for –
 - (a) receiving and scrutinising the completed voting papers cast electronically or by telephone in the ballot;
 - (b) counting the votes cast and determining the votes cast for each candidate; and
 - (c) certifying the result of the ballot in writing to the Returning Officer.

Eligibility to become a candidate in the election

- 5.-(1) A member may be a candidate for election only if on the last date for nominations –
 - (a) they are a member who resides outside the Republic of Ireland; or
 - (b) they are a member who resides in the Republic of Ireland and to whom the provisions of the Veterinary Surgeons (Agreement with the Republic of Ireland) Order 1988 do not pertain or who has retained their right to vote under that Order.
- (2) The Returning Officer shall reject any nomination which appears to them to be invalid on the ground that the person nominated is not eligible to be a candidate by virtue of this paragraph.

Last date for nominations

- 6.-(1) Subject to paragraphs 12 and 13, the last date for nominations for each election shall be 31 January.
- (2) Any nomination which is received after the last date for nominations shall be invalid.

Last date for despatch of voting papers

7. Subject to paragraphs 12 and 13, the last date for despatch of voting papers for each election shall be 31 March.

Last date for return of voting papers

8. The Returning Officer shall determine a last date for the return of voting papers, which shall be not less than 21 days after the last date for despatch of voting papers.

Notice of election

- 9.-(1) Subject to paragraphs 12 and 13, at least 21 days before the last date for nominations, the Returning Officer shall give notice of an election.
- (2) The notice of election shall be published on the College's website and in such veterinary professional journals and on such number of occasions as the Returning Officer shall direct.
- (3) The notice of election shall be in such form as the Returning Officer shall determine and shall state –
 - (a) the number of vacancies on the Council to be filled;
 - (b) the names of the elected members of the Council who are retiring in rotation;
 - (c) the address of the Returning Officer to which nominations are to be sent, together with such other information as to the mode of delivery of nominations as the Returning Officer thinks fit;
 - (d) details of the format of candidate information which candidates must supply, in accordance with paragraph 11 and as specified by the Returning Officer; and
 - (e) the last date for nominations.

Nominations

10.-(1) Nominations for election shall –

- (a) be made in writing on a nomination form which is in the form specified by the Returning Officer and obtainable from them;
 - (b) be sent to the Returning Officer by email or other electronic means specified by the Returning Officer, or handed in at the offices of the College, to be received not later than the last date for nominations.
- (2) Candidates must be nominated by two members, each of whom would be eligible to be a candidate in accordance with paragraph 5(1) and who should each complete a nomination form, specifying their full names and registered addresses.
- (3) No member shall nominate more than one candidate in each election and if they sign more than one nomination form their signature shall be inoperative on all but the first nomination form opened by the Returning Officer.
- (4) Each nomination form shall be signed by the candidate to whom it relates, who in doing so confirms that –
 - (a) the information contained in the form is correct;
 - (b) that they are eligible to become a candidate in accordance with paragraph 5(1);
 - (c) that they consent to being nominated for election;
 - (d) that they are willing to serve, if elected; and
 - (e) that they are willing, if elected, to comply with any codes of practice or guidance issued by the Council from time to time governing the conduct of members of the Council.
 - (f) they have not engaged in any activity or behaviour that would be likely to bring the profession into disrepute or undermine public confidence in the profession.
- (5) The Returning Officer shall reject any nomination or purported nomination which –
 - (a) is received after the last date for nominations;
 - (b) is not on a nomination form which is in the form specified under paragraph 10(1)(a);
 - (c) does not bear the signatures of two members qualified to nominate by virtue of paragraph 10(2);
 - (d) does not contain the information required by the nomination form; and

- (e) which is not signed by the candidate to whom it relates.
- (6) A nomination may be withdrawn at any time until the last date for nominations by a written notification signed by the candidate and addressed to the Returning Officer.

Election statements by candidates

- 11.-(1) A candidate for election must supply with their nomination such candidate information and/or statements of such length, and containing such information as required by the Returning Officer.
- (2) Subject to the following provisions of this paragraph, any candidate information or statements received under sub-paragraph (1) shall be reproduced and circulated by the Returning Officer as part of the election material circulated in accordance with paragraph 16.
- (3) This paragraph shall not require the Returning Officer to circulate an election statement or other information submitted which is greater in length than maximum number of words specified by the Returning Officer and in the absence of agreement with the candidate the election statement or other information circulated by the Returning Officer shall end at the last complete sentence within the specified length.
- (4) This paragraph shall not require the Returning Officer to circulate any candidate information or statement which they reasonably consider to be defamatory or otherwise unlawful, or factually misleading, and may in the absence of agreement with the candidate either edit the information or statement before circulating it or decide not to circulate it.
- (5) Any question as to the format or presentation of any candidate information or statement or contact details shall be decided conclusively by the Returning Officer.
- (6) Every candidate who supplies any candidate information or statement shall be deemed to have agreed –
 - (a) that the decision of the Returning Officer not to issue the whole or any part of it is final; and
 - (b) to indemnify the Returning Officer and the College against any liability to any third party this arises by reason of issuing the candidate statement or information.

Procedure if no candidates nominated

- 12. If no candidates have been validly nominated in accordance with paragraph 10 –
 - (a) The Returning Officer shall fix a new last date for nominations to be received for election to fill the vacancies together with a new last date for despatch of voting papers,

and give notice in the manner required by paragraph 9 that an election will take place for that purpose; and

- (b) The provisions of this Scheme shall otherwise apply to any election which is re-started in accordance with this paragraph.

Procedure if fewer candidates nominated than vacancies

- 13. The following provisions shall apply if fewer candidates have been validly nominated in accordance with paragraph 10 than there are vacancies to be filled –
 - (a) those candidates who have been so nominated shall be entitled to be elected and the chair of the next ensuing annual general meeting of the College shall formally declare elected the members so nominated;
 - (b) the Returning Officer shall fix a new last date for nominations to be received for election to fill the outstanding vacancies together with a new last date for despatch of voting papers, and give notice in the manner required by paragraph 9 that an election will take place for that purpose; and
 - (c) the provisions of this Scheme shall otherwise apply to any election which is re-started in accordance with this paragraph.

Procedure if no more candidates nominated than vacancies

- 14. If no more candidates have been validly nominated in accordance with paragraph 10 than there are vacancies to be filled, no ballot shall take place and the chair of the next ensuing annual general meeting of the College shall formally declare elected the members so nominated.

Entitlement to vote in an election

- 15. Only those members who would be eligible to become a candidate for election in accordance with paragraph 5 may vote in an election.

Conduct of the ballot

- 16.-(1) If more candidates have been nominated in accordance with paragraph 10 than there are vacancies to be filled, the Returning Officer shall not later than the last date for despatch of voting papers send a voting paper and election material to each elector.
- (2) The voting paper and election material shall together include the following –

- (a) the number of vacancies on the Council to be filled in the election;
 - (b) the full name of each candidate;
 - (c) instructions on how to complete the voting paper or to vote electronically, through the internet or by telephone;
 - (d) the address of the Independent Scrutineer to which a completed voting paper is to be returned;
 - (e) the last date for the return of voting papers or, subject to paragraph 17, for electronic, internet or telephone votes to be registered; and
 - (f) subject to the provisions of paragraph 11, copies of any candidate information or statement which were supplied by the candidates in the specified form.
- (3) Subject to paragraph 20, each elector shall be entitled to receive one voting paper only and a voting paper shall not be valid unless –
- (a) it is a voting paper issued to that elector by the Returning Officer or any external body acting on their behalf; or
 - (b) the member has recorded their vote or votes in accordance with the instructions on the voting paper.

Voting electronically or by means of telecommunications

- 17.-(1) The Returning Officer may if they think fit and in accordance with arrangements approved by the Independent Scrutineer make voting facilities available by any or all of the following –
- (a) use of electronic mail;
 - (b) use of the internet; or
 - (c) use of telecommunications, or such other electronic means as designated by the Returning Officer
- (2) Any elector wishing to vote by such a method shall do so –
- (a) in accordance with the instructions given on the voting paper; and
 - (b) by the last date for return of voting papers.
- (3) The Independent Scrutineer may take such steps as it considers necessary to ascertain that a vote cast by any of the methods referred to in sub-paragraph (1) is valid.

Double voting

18. An elector who has voted by one of the voting methods referred to in paragraph 17 shall not return a voting paper in that election or use any of the other methods referred to in that paragraph.

Replacement voting papers

19. An elector shall be entitled to receive from the Independent Scrutineer not later than the last date for return of voting papers and by such means as the Independent Scrutineer considers appropriate (including facsimile transmission or electronic mail) a replacement voting paper if –
- (a) the elector concerned states their full name and registered address; and
 - (b) the elector declares in writing (including by electronic mail) that they have not received a voting paper or that, if they have received one, it has been accidentally lost or destroyed.

Scrutiny of votes

20. The Independent Scrutineer shall reject any purporting vote which –
- (1)
 - (a) is ambiguous;
 - (b) has not been registered in accordance with the arrangements approved by the Independent Scrutineer for voting by the method concerned; or
 - (c) has been received by the Independent Scrutineer after the last date for the return of voting papers.
 - (2) The Independent Scrutineer shall certify the result of the ballot to the Returning Officer in writing (which may be by facsimile transmission or electronic mail), giving the following information –
 - (a) the total number of votes cast by any of the voting methods referred to in paragraph 17;
 - (b) the total number of voting papers which were rejected and the grounds for rejection; and
 - (c) the number of valid votes cast for each candidate.

- (3) Subject to paragraph 23, the certificate of the Independent Scrutineer shall be conclusive as to the result of the ballot.
- (4) The Independent Scrutineer shall retain in secure custody for a period of one month after the annual general meeting of the College at which the results of the election are announced, any information in printed or electronic form relating to individual votes cast by any of the voting methods referred to in paragraph 17 or information relating to demographic analysis of the votes cast by whatever means. Following which, in the absence of any challenge made under paragraph 23, they shall be destroyed.

Election of successful candidates

- 21.-(1) Such number of candidates equal to the number of vacancies to be filled in the election who are certified by the Independent Scrutineer as having received the highest number of valid votes shall be deemed to be elected, and the names of the candidates elected shall be announced by the chair at the annual general meeting of the College at which the vacancies to be filled occur.
- (2) If in any ballot two or more candidates receive the same number of valid votes, then for the purpose of determining which of them has the highest number of valid votes –
 - (a) if one of the candidates has been registered longer than any of the others they shall be deemed to have the highest number of votes; and
 - (c) if two candidates have been registered for the same period, the candidate deemed to have the highest number of votes shall be determined by the drawing of lots by the responsible officer of the Independent Scrutineer.

Death or disqualification of a candidate

- 22.-(1) If notification of the death or disqualification of a candidate is received by the Returning Officer after the last date for nominations but before any voting papers have been circulated to the electors, the name of the deceased or disqualified candidate shall be removed from the voting paper and the election shall proceed in all respects as if they had never been nominated, unless the resulting number of candidates is the same as the number of vacancies, in which event the procedure set out in paragraph 14 shall be followed.
- (2) If notification of the death or disqualification of a candidate is received by the Returning Officer after voting papers have been circulated to the electors, but before the conclusion of the election, the ballot shall proceed but the Independent Scrutineer shall disregard votes cast for the deceased or disqualified candidate.

Challenge procedure

- 23.-(1) Any candidate in an election may, within one month after the annual general meeting at which the result of the election was declared, challenge the validity of the election, but only on the grounds that the election was –
- (a) not in accordance with the provisions of this Scheme; or
 - (b) furthered by conduct which, if the election had been regulated by the Representation of the People Act 1983, would have been a corrupt practice by way of bribery, treating or undue influence under sections 113, 114 or 115 of that Act.
- (2) Any such challenge must be in writing, signed by the candidate making it, and addressed to the Returning Officer, who shall send a copy of it to each of the other candidates in the election.
- (3) The Returning Officer shall refer any such challenge to a Challenge Committee, which shall consist of three members to include the Chair of the Audit and Risk Committee, together with a lay person and a professional person neither of whom should be members of Council, nominated by (in order of exercising the power) –
- (a) the President, unless they were a candidate in the election concerned;
 - (b) the Senior Vice-President, unless they were a candidate in the election concerned;
 - (c) the Junior Vice-President, unless they were a candidate in the election concerned;
 - (c) the most senior Past President of the College still serving on the Council who was not a candidate in the election
- (4) The Challenge Committee shall sit with one of the Legal Assessors appointed under paragraph 6 of schedule 2 to the Act, who shall act in an advisory capacity and have no vote, and who shall be nominated in the same manner as the members of the Challenge Committee.
- (5) The Challenge Committee shall determine whether to declare the election void according to such procedure as it thinks fit, subject to the provisions of the Act and this Scheme, but which shall afford all candidates in the election under challenge the right to make written representation on the subject of the challenge.
- (6) The determination of the Challenge Committee shall be final and conclusive for all purposes.
- (7) The Challenge Committee shall not declare an election void under sub-paragraph (5) unless it is satisfied –
- (a) that the irregularity concerned rendered the election substantially not in accordance with this Scheme; or

- (b) that the irregularity concerned significantly affected the result of the election.
- (8) No election under this Scheme shall be rendered void on the ground of the accidental omission to send a voting paper to any elector or the accidental non-delivery of a voting paper to any elector.

disruption and civil contingencies

- 24. In the event of a significant disruption to the internet, electronic mail, telephone services, or other electronic means as set out in paragraph 17, or of any other civil contingency arising, the Returning Officer may defer the last dates set out in this Scheme, and otherwise adjust the procedures set out in this Scheme, at their discretion.”