



## STATUTORY INSTRUMENTS

**S.I. No. 23 of 2008**

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MEDICAL COUNCIL (ELECTION OF REGISTERED MEDICAL  
PRACTITIONERS) REGULATIONS 2008

(Prn. A8/0220)

**MEDICAL COUNCIL (ELECTION OF REGISTERED MEDICAL PRACTITIONERS) REGULATIONS 2008**

I, MARY HARNEY, Minister for Health and Children, in exercise of the power conferred on me by section 18(1) of the Medical Practitioners Act 2007 (No. 25 of 2007), hereby make the following Regulations:

*Citation*

1. These Regulations may be cited as the Medical Council (Election of Registered Medical Practitioners) Regulations 2008.

*Interpretation*

2. In these Regulations—

“Act” means the Medical Practitioners Act 2007 (No. 25 of 2007), as amended by the Health (Miscellaneous Provisions) Act 2007 (No. 42 of 2007);

“Council” has the meaning assigned to it by section 2 of the Act;

“election” means an election referred to in section 17(1)(f) of the Act;

“first election” means the first election conducted in accordance with these Regulations;

“Minister” means the Minister for Health and Children;

“returning officer”—

(a) in relation to the first election, means the person referred to in Regulation 4(1),

(b) in relation to any other election, means the person appointed under Regulation 4(2) to be the returning officer for the purposes of the election;

“Specialist Division”—

(a) subject to paragraph (b), has the meaning assigned to it by section 2 of the Act,

(b) for the purposes referred to in section 17(8A) of the Act, shall be construed as the Register of Medical Specialists as defined in section 2 of the Act.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 19th February, 2008.*

*Conduct of elections*

3. Elections shall be conducted in accordance with these Regulations.

*Returning officer*

4. (1) The person who for the time being is the Registrar, within the meaning of section 2 of the Medical Practitioners Act 1978, shall be the returning officer for the purposes of the first election.

(2) The Council shall appoint a person to be a returning officer for the purposes of an election other than the first election.

(3) Subject to the provisions of these Regulations, the returning officer shall be responsible for the conduct of an election.

(4) The Council shall defray the expenses of a returning officer in conducting an election.

*Nominations*

5. (1) Not later than 4 months before the expiration of the term of office of members of the Council (but, in the case of the first election, on such date or dates as may be decided by the returning officer), there shall be published, on behalf of the returning officer, in one or more daily newspapers circulating in the State, public notice of—

(a) the day and hour (hereinafter referred to as the expiration of the time for receiving nominations) on and at which the period during which the returning officer may receive nomination papers will expire,

(b) the day on which, the time during which and the place at which the returning officer will attend to receive nomination papers, for the election referred to in section 17(1)(f) of the Act in respect of the six descriptions of medical practitioner referred to in section 17(8) of the Act (as construed in accordance with section 17(8A) of the Act in the case of the first election), and

(c) (if a poll is taken) the day and hour on and at which the period during which the returning officer may receive votes will expire.

(2) The notice referred to in paragraph (1) shall be in the form set out in Schedule 1.

(3) The returning officer may arrange for the publication of the notice referred to in paragraph (1) in such other publications as the returning officer considers appropriate.

(4) The expiration of the time for receiving nominations shall be not less than 21 days and not more than 30 days after the first publication of the notice referred to in paragraph (1).

(5) The returning officer shall on the last day for receiving nominations attend to receive nominations between the hours of 10 a.m. and 1 p.m. at the place

appointed by the returning officer for receiving nomination papers. Every nomination paper delivered to the returning officer at any time before the commencement of those hours may be delivered to the returning officer by post or in person and shall be retained by the returning officer and produced by the returning officer at the commencement of those hours and shall for the purpose of these Regulations and all other purposes be deemed to have been delivered to the returning officer at the beginning of those hours.

(6) A candidate for election shall be a registered medical practitioner practising medicine in the State (but excluding any visiting EEA practitioner) on the day preceding the last day for receiving nominations and shall be nominated in writing and such writing shall be subscribed by not less than 10 other registered medical practitioners and shall, together with a completed declaration in the form set out in Schedule 2, be delivered by the candidate in person or by post so as to reach the returning officer at any time between the date the notice referred to in paragraph (1) is published and the expiration of the time for receiving nominations.

(7) Each candidate shall be nominated by a separate nomination paper (except that, subject to paragraph (11), if more than one nomination paper is delivered or given to the returning officer in respect of the same candidate, the nomination papers concerned shall be treated as a single nomination paper for that candidate). The nomination paper shall be in the form set out in Schedule 3. Any elector may subscribe as many nomination papers as the elector may desire.

(8) Each candidate shall be described in the nomination paper in such manner as in the opinion of the returning officer is calculated sufficiently to identify the candidate. The surname of the candidate shall be placed first in the statement of the candidate's names and the description shall include the registered address of the candidate. A misnomer or inaccurate description of any person or place named in any nomination paper shall not invalidate the paper if in the opinion of the returning officer the misnomer or description of the person or place, as the case may be, is such as to be commonly understood.

(9) No objection to a nomination paper on the ground of any description of the candidate therein not being sufficient or not being in compliance with these Regulations shall be allowed or deemed valid unless the objection is made by the returning officer or to the returning officer by some other person during the time for receiving nominations.

(10) A candidate may before the expiration of the time for receiving nominations but not afterwards withdraw from candidature by furnishing a notice to that effect, signed by the candidate, to the returning officer.

(11) A candidate may not, at the same election, stand for election in more than one of the six descriptions of medical practitioner referred to in section 17(8) of the Act (as construed in accordance with section 17(8A) of the Act in the case of the first election) and, accordingly, if the returning officer has received a duly completed nomination paper for a candidate for election in one of those descriptions of medical practitioner, the returning officer shall reject all

subsequent nomination papers for that candidate in any other of those descriptions of medical practitioner received by the returning officer (including any such nomination papers received on the same day as the first-mentioned nomination paper).

*Death of candidate*

6. If a candidate dies at any time between the candidate's nomination for election under these Regulations and the declaration of election of candidates by the returning officer, the nomination of that candidate shall be disregarded and any votes cast for that candidate shall also be disregarded.

*Election*

7. (1) If there is only one duly nominated candidate falling within paragraph (a), (b), (c), (d), (e) or (f) of section 17(8) of the Act (as construed in accordance with section 17(8A) of the Act in the case of the first election), the returning officer shall, subject to compliance with section 17(1)(f) of the Act, forthwith declare that candidate to be elected in so far as that paragraph is concerned.

(2) If there is more than one duly nominated candidate falling within paragraph (a), (b), (c), (d), (e) or (f) of section 17(8) of the Act (as construed in accordance with section 17(8A) of the Act in the case of the first election), a poll shall be taken by the returning officer in the following manner:

- (a) the returning officer shall cause to be prepared—
  - (i) ballot papers;
  - (ii) declarations of identity in the form set out in Schedule 4;
  - (iii) interior envelopes in which the ballot paper is to be placed (hereinafter referred to as the ballot paper envelope);
  - (iv) envelopes in which the ballot paper envelope is to be placed with the declaration of identity form (hereinafter referred to as the covering envelope); and
- (b) ballot papers shall be in the form set out in Schedule 5. Each ballot paper shall contain the names of candidates standing nominated and the description as shown in their respective nomination papers. The names shall be arranged alphabetically in the order of their surnames or, if there are 2 or more candidates bearing the same surname, in the alphabetical order of their other names;
- (c) the returning officer shall fix the day and hour on and at which the period during which the returning officer may receive votes shall expire and such day shall not be less than 35 days and not more than 50 days after the expiration of the time for receiving nominations;
- (d) not more than 15 days after the expiration of the time for receiving nominations, the returning officer shall post to each registered medical practitioner a securely fastened envelope in which there shall have

been placed a ballot paper containing the names of the nominated candidates, a declaration of identity form, a ballot paper envelope, a covering envelope and a statement of the provisions of paragraphs (3)(a) and (4)(h).

- (3) (a) Each voter shall mark the ballot paper delivered to the voter with an X against the name of one person only for whom the voter desires to vote in each description of medical practitioner referred to in section 17(8) of the Act (as construed in accordance with section 17(8A) of the Act in the case of the first election) as set out in the ballot paper, and shall place it in the voter's ballot paper envelope and securely fasten the same. The voter shall sign the declaration printed on the declaration of identity form, place it with the ballot paper envelope inside the covering envelope and send it by post or otherwise to the returning officer.
  - (b) The returning officer shall provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the voters.
  - (c) Every such ballot box shall be sealed by the returning officer at the time fixed for the opening of the poll.
  - (d) The returning officer shall give each candidate at least 48 hours notice in writing of the time and place at which the returning officer will proceed to count the votes. Any candidate or agent appointed in writing by such candidate may be present at the counting of the votes.
- (4) (a) The returning officer, on the expiration of the time during which the returning officer may receive votes, shall cause the ballot boxes to be closed to prevent the introduction of further covering envelopes therein.
  - (b) The returning officer, at the time fixed for counting the votes, shall open each ballot box, remove and open the covering envelopes and examine the declaration of identity forms therein. If the declaration of identity form is found to be valid, the ballot paper envelope shall be opened, the ballot paper withdrawn, kept folded face inwards and placed in a special receptacle provided by the returning officer for ballot papers.
  - (c) If the returning officer is not satisfied that the declaration of identity form has been duly signed, the returning officer shall endorse the ballot paper envelope "Vote rejected" without opening the envelope.
  - (d) Any ballot paper envelope not containing a ballot paper shall be marked "rejected" and any ballot paper not accompanied by a declaration of identity form shall be marked "rejected".
  - (e) The returning officer shall show any declaration of identity form which the returning officer proposes to reject on the ground that it has not been properly signed to the candidates or agents present and, if an

objection is made by any candidate or agent to the returning officer's decision, shall add to the endorsement the words "rejection objected to".

- (f) The returning officer shall keep all rejected declaration of identity forms with the attached ballot paper envelopes or ballot papers, as the case may be, separate from other documents.
  - (g) When all the ballot papers have been transferred to the special receptacle provided for them, they shall be examined and counted, and the number of valid votes given for each candidate ascertained.
  - (h) Any ballot paper—
    - (i) on which anything is written or marked by which the voter could be identified,
    - (ii) which is unmarked or so marked as to cause uncertainty as to the candidate for whom the voter desires to record a vote, or
    - (iii) on which votes are given in excess of the number to which the voter is entitled,
- shall be invalid and not counted.

(5) The returning officer shall ensure that the provisions of section 17(1)(f) and (8) of the Act (as construed in accordance with section 17(8A) of the Act in the case of the first election) are complied with and, subject thereto, the requisite number of candidates having the greatest number of votes shall be declared elected by the returning officer. If any equality of votes is found to exist between any candidates and the addition of a vote would entitle any such candidates to be declared elected, the returning officer shall determine by lot which of the candidates whose votes are equal shall be declared elected.

*Powers of returning officer*

- 8. (1) Any question arising with regard to the validity of a nomination or ballot paper, or otherwise in connection with any election held under these Regulations, shall be determined by the returning officer.
- (2) The returning officer, for the purpose of determining the validity of a nomination for election, may require a candidate to give to the returning officer such relevant information relating to the candidate's practice of medicine as the returning officer requires and may require the candidate to furnish appropriate evidence in relation to any information so given.
- (3) The failure by a candidate to give information requested under paragraph (2), or to provide evidence required for the purpose of that paragraph, may be regarded by the returning officer as grounds for invalidating a nomination.

(4) No election held under these Regulations shall be invalidated by reason of any misdescription or non-compliance with the provisions of these Regulations or by reason of any miscount or of the non-delivery, loss or miscarriage in the course of post of any document required under these Regulations to be despatched by the post, if it appears to the returning officer that the election was conducted substantially in accordance with the provisions of these Regulations, and the result of such misdescription, non-compliance, miscount, non-delivery, loss or miscarriage did not substantially affect the result of the election.

*Notice of persons elected*

9. The returning officer shall forthwith give to every person elected written notice of the person's election and shall furnish the Minister and the Council with a list of the persons certified by the returning officer to have been duly elected, showing, if a poll is taken, the number of votes cast for each candidate.

## SCHEDULE 1

Regulation 5(2)

*Notice of Election of Registered Medical Practitioners for Appointment to  
Medical Council*

Notice is hereby given that, in accordance with the provisions of section 17(1)(f) and (8) of the Medical Practitioners Act 2007 (and, where applicable, section 17(8A) of that Act), an election is about to be held.

To be eligible for election a person must be a registered medical practitioner practising medicine in the State (but excluding any visiting EEA practitioner) on the day preceding the last day for receiving nominations. Nomination of a candidate shall be subscribed by 10 other registered medical practitioners.

The period during which the returning officer may receive nomination papers will expire at 1 p.m. on .....

...............

The returning officer will attend at..........

..... between 10 a.m. and 1 p.m. on.....

..... to receive nomination papers.

Nomination papers and other information as to the election may be obtained from the returning officer at ..........

If a poll is taken, the period during which votes may be received by the returning officer will expire at..... p.m. on ..........

Returning Officer:

Address:

Date:

Note: In the case of the first election conducted under the Medical Council (Election of Registered Medical Practitioners) Regulations 2008, the particulars of the registered name, Medical Council registration number and registered address of a registered medical practitioner mean those particulars as under the Medical Practitioners Act 1978.

## SCHEDULE 2

*Election of Registered Medical Practitioners for Appointment to Medical Council**Form of Declaration to be issued with Nomination Paper for return by the candidate nominated*

I CONSENT to be nominated for election.

I DECLARE that the statements on the nomination paper with regard to my nomination as a candidate are correct.

Registered name (please use block letters):

Medical Council Registration Number:

Registered address:

Signature:

Date:

Note: In the case of the first election conducted under the Medical Council (Election of Registered Medical Practitioners) Regulations 2008, the particulars of the registered name, Medical Council registration number and registered address of a registered medical practitioner mean those particulars as under the Medical Practitioners Act 1978.

## SCHEDULE 3

Regulation 5(7)

*Election of Registered Medical Practitioners for Appointment to Medical Council*

## NOMINATION PAPER

We, the undersigned, being registered medical practitioners, hereby nominate—

- \* (a) ..... a registered medical practitioner practising medicine in the State
- \*\* (b) whose Medical Council Registration Number is .....
- \*\*\* (c) at .....
- \*\*\*\* (d) and who is .....

as a candidate for election in accordance with the provisions of section 17(1)(f) and (8) of the Medical Practitioners Act 2007 (and, where applicable, section 17(8A) of that Act).

Registered Names of Nominators (please use block letters)	Signatures of Nominators	Medical Council Registration Numbers of Nominators	Registered Addresses of Nominators
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*Instructions*

- \* (a) Here insert the candidate's registered name, with the surname first (please use block letters).
- \*\* (b) Here insert the candidate's Medical Council Registration Number.
- \*\*\* (c) Here insert the candidate's registered address.
- \*\*\*\* (d) Here insert whichever one of the following descriptions applies:
  - (i) a medical practitioner registered, or able to be registered, in the Specialist Division (see Note (3)) in relation to obstetrics and gynaecology,
  - (ii) a medical practitioner registered, or able to be registered, in the Specialist Division (see Note (3)) in relation to anaesthesia,
  - (iii) a medical practitioner registered, or able to be registered, in the Specialist Division (see Note (3)) in relation to public health medicine,

- (iv) a medical practitioner registered, or able to be registered, in the Specialist Division (see Note (3)) in relation to pathology or radiology,
- (v) a registered medical practitioner, not being a consultant, practising medicine in a hospital,
- (vi) a registered medical practitioner not falling within any of (i) to (v) above.

Note: (1) It is preferred that there be only one nomination paper for each candidate.

- (2) If, for whatever reason, there is more than one nomination paper for a candidate, it is preferred that the nomination papers for the candidate be delivered or given to the returning officer all at the same time.
- (3) In the case of the first election conducted under the Medical Council (Election of Registered Medical Practitioners) Regulations 2008, the references to the Specialist Division in the nomination papers mean the Register of Medical Specialists established under section 30 of the Medical Practitioners Act 1978.
- (4) In the case of the first election conducted under the Medical Council (Election of Registered Medical Practitioners) Regulations 2008, the particulars of the registered name, Medical Council registration number and registered address of a registered medical practitioner mean those particulars as under the Medical Practitioners Act 1978.

## SCHEDULE 4

*Regulation  
7(2)(a)(ii)**Election of Registered Medical Practitioners for Appointment to Medical Council**Declaration of Identity*

I, the undersigned, hereby declare that I am the person entitled to receive the enclosed ballot paper, that I am a registered medical practitioner, and that I have not marked any other ballot paper in this election.

Registered name (please use block letters):

Medical Council Registration Number:

Registered address:

Signature:

Date:

Note: In the case of the first election conducted under the Medical Council (Election of Registered Medical Practitioners) Regulations 2008, the particulars of the registered name, Medical Council registration number and registered address of a registered medical practitioner mean those particulars as under the Medical Practitioners Act 1978.

## SCHEDULE 5

*Election of Registered Medical Practitioners for Appointment to Medical Council*

## BALLOT PAPER

Part 1 Election of medical practitioner registered, or able to be registered, in the Specialist Division (see Note (4)) in relation to obstetrics and gynaecology			
Registered name of candidate	Medical Council Registration Number of candidate	Registered address of candidate	Voter's mark*
*Please vote by inserting an "X" opposite the candidate of your choice.			
Part 2 Election of medical practitioner registered, or able to be registered, in the Specialist Division (see Note (4)) in relation to anaesthesia			
Registered name of candidate	Medical Council Registration Number of candidate	Registered address of candidate	Voter's mark*
*Please vote by inserting an "X" opposite the candidate of your choice.			

Part 3 Election of medical practitioner registered, or able to be registered, in the Specialist Division (see Note (4)) in relation to public health medicine			
Registered name of candidate	Medical Council Registration Number of candidate	Registered address of candidate	Voter's mark*

\*Please vote by inserting an "X" opposite the candidate of your choice.

Part 4 Election of medical practitioner registered, or able to be registered, in the Specialist Division (see Note (4)) in relation to pathology or radiology			
Registered name of candidate	Medical Council Registration Number of candidate	Registered address of candidate	Voter's mark*

\*Please vote by inserting an "X" opposite the candidate of your choice.

Part 5 Election of registered medical practitioner, not being a consultant, practising medicine in a hospital			
Registered name of candidate	Medical Council Registration Number of candidate	Registered address of candidate	Voter's mark*

\*Please vote by inserting an "X" opposite the candidate of your choice.

Part 6 Election of registered medical practitioner not falling within any of the descriptions of medical practitioner given in Parts 1 to 5 above			
Registered name of candidate	Medical Council Registration Number of candidate	Registered address of candidate	Voter's mark*

\*Please vote by inserting an "X" opposite the candidate of your choice.

Note: (1) The voter should not vote for more than one candidate in each of Parts 1 to 6.

- (2) Although the voter has a maximum of 6 votes, one or more of the Parts may not contain the name of any candidate. If that is the case, it means either that only one candidate was nominated for election for the description of medical practitioner given in that Part (in which case the candidate is automatically elected) or that no candidate was nominated for election for that description of medical practitioner.
- (3) It is not necessary for the voter to mark X in the voter's mark column of any Part if there is no candidate for whom the voter desires to vote in respect of that Part.
- (4) In the case of the first election conducted under the Medical Council (Election of Registered Medical Practitioners) Regulations 2008, the references to the Specialist Division in the ballot papers mean the Register of Medical Specialists established under section 30 of the Medical Practitioners Act 1978.
- (5) In the case of the first election conducted under the Medical Council (Election of Registered Medical Practitioners) Regulations 2008, the particulars of the registered name, Medical Council registration number and registered address of a registered medical practitioner mean those particulars as under the Medical Practitioners Act 1978.



GIVEN under my Official Seal,  
13 February 2008

MARY HARNEY  
Minister for Health and Children

#### EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations are made under section 18(1) of the Medical Practitioners Act 2007 (No. 25 of 2007). These Regulations specify the procedures to be followed for the purposes of an election referred to in section 17(1)(f) of that Act (including procedures preparatory to, or subsequent to, such an election).

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
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nó tríd an bpost ó  
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