



STATUTORY INSTRUMENTS

S.I. No. 386 of 2008



TEACHING COUNCIL (ELECTION OF MEMBERS) REGULATIONS
2008

(Prn. A8/1507)

TEACHING COUNCIL (ELECTION OF MEMBERS) REGULATIONS
2008

The Teaching Council in exercise of the powers conferred on it by Sections 4 and 10 of the Teaching Council Acts 2001 to 2006, with the consent of the Minister for Education & Science, hereby make the following regulations

Citation

1. These regulations may be cited as the Teaching Council (Election of Members) Regulations 2008.

Interpretation

2. (1) In these regulations except where the context otherwise requires:

“Act” means the Teaching Council Acts 2001 to 2006;

“Agent” means a person appointed as an agent in accordance with Regulation 13;

“Ballot Box” means a ballot box provided for under Regulation 16(5) for the reception of covering envelopes returned by electors;

“Candidate” means an Eligible Teacher who has been nominated pursuant to Regulation 8(5) and ruled to be a candidate by the Returning Officer in accordance with Regulation 9;

“Election” means the election of candidates to the Council pursuant to, and in accordance with, sections 8(2)(a) and 8(2)(b) of the Act and these Regulations;

“Election Year” means as respects the first election held in accordance with these Regulations, the period of twelve months preceding the 27th March 2009 and, as respects subsequent elections, the period of twelve months preceding the date of expiry of the term of office of the current members elected to the Council in accordance with these Regulations;

“Elector” means a person whose name is entered in the Electoral Roll;

“Electoral Category” means the categories of electors specified in Regulation 14(1);

“Electoral Roll” means the roll of Electors formed under Regulation 6;

“Eligible Primary Teacher” or “Eligible Post-primary Teacher” means a registered teacher who is eligible for entry in the Electoral Roll in accordance with Regulation 7 and “Eligible Teacher” shall be construed accordingly;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 30th September, 2008.*

“Geographical Constituency” means a geographical constituency referred to in Regulation 14.2;

“Nominee” means a person who has been nominated as a candidate in accordance with Regulation 9;

“Notice of Election” has the meaning assigned in Regulation 8;

“Official Mark” has the meaning assigned in Regulation 16.2(c);

“Panel” means a panel of candidates as provided for by Regulation 14.3;

“Poll” means a ballot among Electors in a Geographical Constituency;

“Recognised Primary School” or “Recognised Post-Primary School” have the respective meanings assigned by the Act;

“Register” has the meaning assigned by the Act;

“Teacher Registration Number” means the registration number assigned to an Eligible Primary Teacher or Eligible Post-primary Teacher pursuant to section 29(3)(a)(v) of the Act;

“Returning Officer” means a person appointed under Regulation 4 to be the returning officer for the purposes of these Regulations.

(2) In these Regulations—

- (a) reference to a Regulation or Schedule is to a Regulation of or Schedule to these Regulations, unless it is indicated that reference to some other Regulations is intended;
- (b) a reference to a paragraph, subparagraph or clause is a reference to a paragraph, subparagraph or clause of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended;
- (c) a reference to any statute or statutory provision shall be construed as a reference to the same as it may have been, or may from time to time be, amended, modified or re-enacted;
- (d) any reference to a “day” shall mean a calendar day;
- (e) references to the singular include the plural and vice versa; and
- (f) references to the masculine include the feminine and vice versa.

Conduct of Election

3. (1) Elections of registered teachers for the purposes of paragraph (a)(i) and (b)(i) of section 8(2) of the Act shall be conducted in accordance with these Regulations.

(2) Any document provided for under these Regulations which has been translated into the Irish language and approved in writing by the Returning Officer is valid for the purposes of the Election.

(3) The forms set out in Schedules 2, 3, 4, 5 and 6 shall be used as far as practicable but a deviation from those forms shall not, by reason only of the deviation, make any application, nomination, consent, ballot paper or declaration, as the case may be, invalid.

Returning Officer

4. (1) The Returning Officer for the Election, who shall be appointed by the Council, may appoint in writing one or more than one person to be deputy returning officer or officers and may delegate to any such deputy any of the functions of the returning officer that may be specified in the appointment.

(2) The Returning Officer may at any time revoke the appointment of a deputy returning officer appointed under Regulation 4(1).

(3) A deputy returning officer shall have all the rights and be subject to all the duties and liabilities of the Returning Officer in relation to the functions for which s/he is appointed.

(4) The Returning Officer or any person employed by him or her for any purpose relating to the Election shall not be a Candidate or an agent of a Candidate at that Election or associated in furthering the candidature of any Candidate at that Election.

(5) The Returning Officer shall not employ for any purpose relating to the Election a person who to the knowledge of the Returning Officer—

(a) is or has been a Candidate, or

(b) has been associated in furthering the candidature of a Candidate,

at that Election.

(6) In these Regulations, any reference to the Returning Officer in relation to any act, matter or function for which a deputy returning officer is appointed by or under this Regulation shall, unless the context otherwise requires, be interpreted as a reference to the deputy returning officer.

(7) The reasonable expenses of the Returning Officer in relation to the conduct of the Election shall be defrayed by the Council.

(8) On the request of the Returning Officer for an advance on account of his or her expenses relating to the conduct of the Election, the Council may make an advance on the terms that it considers appropriate.

General Powers of Returning Officer

5. (1) Subject to these Regulations, the Returning Officer is responsible for the conduct of the Election and his or her decisions on all matters arising

(including without limitation decisions with regard to the Electoral Roll, the validity of an application, nomination, declaration of identity, or ballot paper, or on any question (including without limitation in relation to the exclusion of any Candidate, or to any ballot paper or transfer of votes) which arises at a count, or otherwise in connection with any Election) are final.

(2) The Returning Officer, for the purposes of an Election and the performance of his/ her functions, may require the Council to give him/ her such relevant information as the Returning Officer deems necessary for such purposes.

(3) Without prejudice to the generality of Regulation 5(2), the Returning Officer, may, for the purpose of determining the validity of a nomination for election, require the Council and/or a nominee, to give him/ her such relevant information relating to a registration or nomination as the Returning Officer requires and may require the nominee to furnish appropriate evidence in relation to any information so given.

(4) Failure by a nominee to give information requested under Regulation 5(3) or to provide evidence required for the purpose of that Regulation may be regarded by the Returning Officer as grounds for invalidating a nomination.

(5) 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.

(6) The Returning Officer shall arrange for all documents relating to the Election received by him to be retained by or on behalf of the Council for not less than 12 months after the completion of the Election at the expiration of which they shall be disposed of in such manner as the Council shall direct.

Electoral Roll

6. (1) In every Election Year the Returning Officer shall cause to be formed a provisional electoral roll containing the name, gender, Teacher Registration Number, Electoral Category (including Geographical Constituency) and where applicable, the school roll number and school address of every Eligible Primary Teacher and of every Eligible Post-primary Teacher.

(2) When forming the provisional electoral roll, the Returning Officer shall

- (a) determine the appropriate voting category of each Eligible Teacher having regard to the Register and the sector where s/he is employed and in default of a determination being made having regard to the foregoing, then the Returning Officer shall determine the appropriate voting category by lot and in proportions that correspond as far as practicable to the numbers of Eligible Teachers in each sector and

- (b) as far as practicable allocate each Eligible Teacher to a Geographical Constituency on the basis of the address of the recognised school where s/he is employed. Where the address of the recognised school where an Eligible Teacher is employed is not available, an Eligible Teacher shall be allocated to a Geographical Constituency on the basis of his/ her correspondence address, or where this is not available, the last address known, or furnished, to the Council, provided that such address is an address in Ireland. Where the Returning Officer has reason to believe an Eligible Teacher is living outside of Ireland, or where none of the preceding criteria apply, the Returning Officer shall allocate such Eligible Teacher to a Geographical Constituency by lot.
- (3) Not later than 14 October in every Election Year, the Returning Officer shall—
- (a) make the provisional electoral roll available to Eligible Teachers whose names are entered therein in the manner the Returning Officer considers appropriate, and
- (b) cause to be published in not less than 3 national daily newspapers published and circulating in the State or otherwise as the Returning Officer considers appropriate, a notice (in both the Irish and English language) to the effect that any Eligible Primary Teacher or any Eligible Post-primary Teacher who wishes to take part in the forthcoming election may apply in writing to the Returning Officer
- (i) to have his or her name entered in the provisional electoral roll, or
- (ii) where his or her name is already entered, to have his or her name or any other details relevant to that entry amended.
- (4) The Returning Officer shall, in the notice published under Regulation 6(3), specify the date by which applications under that Regulation are to be made which date shall be not less than 14 days and not more than 21 days after the date of publication of the notice.
- (5) Applications under Regulation 6(3) shall be in such form as may be specified by the Returning Officer and may be accompanied by such documents, particulars or other information relating to the application as the applicant considers necessary or appropriate.
- (6) Within 14 days of the date specified pursuant to Regulation 6(4), the Returning Officer shall examine any application received and may—
- (a) amend the provisional electoral roll by entering the name of any Eligible Teacher whose name was not entered in the provisional electoral roll, or

(b) amend the name of any Eligible Teacher whose name was entered in the provisional electoral roll or amend any other details relevant to that entry.

(7) The Returning Officer may request such further information from the applicant as s/he considers necessary for the purposes of amending the provisional electoral roll under Regulation 6(5).

(8) A registered teacher may, after compilation of the Electoral Roll, inspect during office hours the relevant Electoral Roll at the office of the Council.

(9) The Returning Officer shall have sole and absolute discretion but no obligation to amend the Electoral Roll if s/he deems an amendment is warranted.

(10) The provisional electoral roll as amended under this Regulation shall be known as the Electoral Roll.

Qualifications of Candidates and Voters

7. (1) To be eligible for election or for entry in the Electoral Roll or to be entitled to seek nomination for, nominate, or vote in an Election, a person must be

(a) a registered teacher employed in, or qualified to teach in, a Recognised Primary School or

(b) a registered teacher employed in, or qualified to teach in, a Recognised Post-primary School,

and whose name is entered on, and who has not been removed from, the Register no later than 30 September in any Election Year.

(2) The Returning Officer shall include the name of an Eligible Teacher in the Electoral Roll relating to his/ her voting category and the Returning Officer shall as far as practicable allocate each Eligible Teacher as follows:

(a) to the relevant Electoral Category specified in Regulation 14.1(a); and

(b) to the relevant Geographical Constituency specified in Schedule 1

using the method described in Regulation 6(2).

(3) An Elector may vote only in respect of the Candidates nominated in the Geographical Constituency in the Electoral Category in which the Elector is entered in the Electoral Roll.

(4) A person who is eligible for election pursuant to Regulation 7(1) may be nominated only in respect of the Geographical Constituency and Electoral Category for which s/he is an Elector.

Nominations

8. (1) Not later than 15 December in every Election Year there shall be published on behalf of the Returning Officer a public notice of election in the format set out in Schedule 2 of these Regulations:

- (a) the day and hour (hereinafter referred to as the “expiration time for receiving nominations”) on and at which the period during which s/he may receive nomination papers will expire;
- (b) the day on which, the time during which, and the place at which s/he will attend to receive nomination papers and;
- (c) if the number of candidates nominated exceeds the number of positions available the day and hour on and at which the period during which s/he may receive votes may expire.

(2) The public notice shall be published (in both the Irish and English language) in not less than 3 national daily newspapers circulating in the State and, on a date or dates as near as may be to 15 December in every Election Year, or otherwise as the Returning Officer considers appropriate.

(3) 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 prescribed in Regulation 8(1).

(4) The Returning Officer shall receive nominations up to the expiration time for receiving nominations at the place appointed by him for receiving nomination papers.

(5) A candidate for election to the Council shall be nominated in writing by means of a nomination paper in the form set out in Schedule 4, such nomination paper shall be subscribed by 15 electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which the Candidate is nominated, and shall, together with a completed consent form in the form set out in Schedule 3 be delivered by the nominee in person or by post so as to reach the Returning Officer at any time between the date of publication of the public notice pursuant to Regulation 8(1) and the expiration time for receiving nominations.

(6) A nominee shall not be entitled to have his or her name entered on a ballot paper

- (a) for more than one Electoral Category or for more than one Geographical Constituency and
- (b) unless s/he has been duly nominated and the nomination has been ruled as valid by the Returning Officer.

(7) Without prejudice to Regulation 8(6), a nominee may apply in writing to the Returning Officer before the expiration time for receiving nominations to have his or her name entered on the ballot paper in such form as the nominee

is commonly known and provided that the Returning Officer is satisfied that the nominee is commonly known under the form of name requested, the Returning Officer may, in his/ her absolute discretion, approve the form of name requested and arrange for the nominee's name to be so entered on the ballot paper and on such other notices or documents in respect of the Election as the Returning Officer deems appropriate.

Ruling on Nomination

9. (1) The Returning Officer shall rule on the validity of a nomination paper as soon as practicable after the expiration time for receiving nominations and the decision of the Returning Officer on the validity of a nomination paper shall be final.

(2) Without prejudice to the generality of Regulation 9(1), the Returning Officer may rule that a nomination paper is invalid where s/he she considers that it

(a) has been completed incorrectly or is incomplete;

(b) has not been signed by 15 Electors in accordance with Regulation 8(5); or

(c) is not accompanied by a completed consent form pursuant to Regulation 8(5).

(3) (a) The Returning Officer shall object to the name of a nominee in a nomination paper if the name is not the name by which the nominee is

(i) entered in the Electoral Roll, or

(ii) commonly known and the form of such name has been approved by the Returning Officer pursuant to Regulation 8(7).

(b) Where the Returning Officer objects in accordance with paragraph (a), s/he shall allow the nominee or Agent, as the case may be, to amend the name on the nomination paper.

(c) If the name is not amended to the satisfaction of the Returning Officer the Returning Officer may amend it as s/he considers appropriate, after consultation with the nominee or Agent, if either is present, or may, in his or her absolute discretion, rule that the nomination paper is invalid.

(d) Without prejudice to the foregoing, a misnomer or inaccurate description of any person or place named in the nomination paper shall not invalidate the nomination paper if in the opinion of the Returning Officer the description of such person or place is such as to be commonly understood.

(4) The Returning Officer shall record any decision or ruling on the validity of the nomination paper and shall sign the note. Where the Returning Officer

rules that a nomination paper is invalid, the Returning Officer shall include a brief statement of the reasons for the decision. As soon as practicable after the ruling on the validity of the nomination paper, the Returning Officer shall give written notice of the ruling to the nominee.

(5) The Returning Officer shall sign each nomination paper, which has been ruled as valid with a unique sequential number for the purposes of determining the order of receipt of valid nominations.

(6) A nominee or Candidate, may, withdraw his or her nomination or candidature by providing the Returning Officer prior to the expiration time for receiving nominations with written notice of his or her withdrawal signed by the nominee or Candidate.

Publication of Nominations

10. (1) The Returning Officer shall as soon as practicable after ruling on the validity of a nomination paper publish in the manner s/he considers appropriate notice of the name, gender, Electoral Category and Geographical Constituency of each Candidate validly nominated and the names and Teacher Registration Number of the Electors who nominated each Candidate.

(2) The Returning Officer shall also bring to the notice of Electors in the manner s/he considers appropriate the list of Candidates validly nominated for the Election and the Electoral Category and Geographical Constituency in respect of which each Candidate has been nominated.

Applications in respect of the Electoral Roll

11. (1) A Candidate may submit a request in writing to the Returning Officer, not earlier than the making of a ruling in relation to that Candidate pursuant to Regulation 9, to be provided with details of the Electoral Roll in respect of the Electoral Category and Geographical Constituency for which the Candidate has been validly nominated.

(2) Upon receipt of a request pursuant to Regulation 11(1), the Returning Officer shall, for the purposes of an Election, have discretion to make the Electoral Roll available to Candidates in such edited form or forms as s/he deems appropriate having regard to the Electoral Category and Geographical Constituency for which a Candidate has been validly nominated and provided always that the Candidate provides the Returning Officer with the undertaking pursuant to Regulation 11(3).

(3) A Candidate who makes a request pursuant to Regulation 11(1) shall provide the Returning Officer with an undertaking in writing that

- (a) any details of the Electoral Roll (in whatever form) provided to the Candidate shall be used solely for the purposes of the Election;
- (b) the Candidate shall comply with the Act, these Regulations (including without limitation any amendments, modification or re-enactment thereof) and

- (c) the Candidate shall comply with the Data Protection Acts 1988 and 2003.

Death of Candidate

12. (1) Where, not more than 72 hours after the expiration time for receiving nominations, the Returning Officer is satisfied that a nominee or Candidate has died, the Returning Officer shall immediately deem the nomination or candidature of the nominee or candidate to have been withdrawn.

(2) Where the death of a Candidate comes to the attention of the Returning Officer after the time referred to in Regulation 12(1) and before the declaration of election of Candidates by the Returning Officer, this shall not, of itself, invalidate the nomination or candidature or any preference recorded for the Candidate and insofar as any preferences are recorded for the Candidate, they shall be distributed in accordance with Schedule 7 and if the Candidate is elected, his or her election shall not be invalidated by reason of his/ her death, but the Candidate shall be deemed to have vacated his or her membership of the Council immediately on the commencement of the term of office of the newly elected members.

General Provisions regarding Agents

13. (1) Each nominee for an Election may appoint one or more agents and the name of the person or persons so appointed shall be notified to the Returning Officer in writing by the nominee before the expiration time for receiving nominations.

(2) An Agent whose appointment is notified in writing to the Returning Officer pursuant to Regulation 13(1) may be present, by prior arrangement by the Returning Officer, on behalf of the nominee on the ruling on nominations and the counting of votes for the Election. No other person shall be entitled to attend except with the permission of the Returning Officer.

(3) An Agent shall, if so required produce the written consent of the nominee to his or her appointment as agent for inspection by the Returning Officer or by any person authorised to act on behalf of the Returning Officer.

Determination of Electoral Categories, Geographical Constituencies and Panels

14. (1) Electoral Categories

- (a) The Electoral Roll shall provide for the following categories of Electors:
- (i) Category 1: Eligible Primary Teachers;
 - (ii) Category 2: Eligible Post Primary Teachers who are registered to teach in a Recognised Post-primary School and whose voting category is determined to be the voluntary secondary school sector;

(iii) Category 3: Eligible Post Primary Teachers who are registered to teach in a Recognised Post-primary School and whose voting category is determined to be the vocational education sector; and

(iv) Category 4: Eligible Post Primary Teachers who are registered to teach in a Recognised Post-primary School and whose voting category is determined to be the community and comprehensive school sector.

(b) The categories referred to in paragraph (a) shall be further subdivided into Geographical Constituencies in accordance with Regulation 14(2).

(2) Geographical Constituencies

(a) Each Electoral Category shall be subdivided into the Geographical Constituencies specified in Schedule 1. For the avoidance of doubt, the division of the areas of the Geographical Constituencies described in Schedule 1 shall, as far as practicable, reflect the local government areas and boundaries pursuant to section 10 of the Local Government Act 2001.

(b) The number of members to be elected to a Geographical Constituency in respect of the relevant electoral categories is the number opposite mention of that Geographical Constituency in Schedule 1.

(c) The Geographical Constituency in respect of an Electoral Category for which a Candidate may be elected to the Council is the Geographical Constituency specified in the Electoral Roll.

(3) Panels of Candidates

The Candidates in each Geographical Constituency shall be further sub-divided into panels as follows:

(i) in a Geographical Constituency with provision for the election of 1 member there shall be a single panel of all Candidates,

(ii) in a Geographical Constituency with provision for the election of 2 members there shall be a panel of all female Candidates and a panel of all male Candidates,

(iii) in a Geographical Constituency with provision for 3 members there shall be a panel of all female Candidates, a panel of all male Candidates and a panel of all Candidates.

Election of Members

15. (1) Where in respect of any panel in any Geographical Constituency, the number of duly nominated candidates does not exceed the number of persons to be elected in that particular panel, the Returning Officer shall declare such candidate or candidates to be elected without a poll.

(2) Where in respect of any panel in any Geographical Constituency, there is no duly nominated candidate the Returning Officer shall declare that, in respect of that panel, no Candidate has been nominated and accordingly that a vacancy arises in respect of that panel and such vacancy shall be deemed to take effect from the commencement of the term of office of the newly elected members.

(3) Where in respect of any panel in any Geographical Constituency, the number of duly nominated candidates exceeds the number of members to be elected to the constituency or category concerned, a poll of Electors in that panel in the Geographical Constituency using the single transferable vote system set out in Schedule 7 shall be taken by the Returning Officer and the first Candidate to reach the quota referred to in paragraph 4 of that Schedule, or, where no Candidate reaches the quota, the last Candidate to remain standing after all others have been eliminated shall be deemed to be elected.

Poll

16. (1) In respect of each panel in a Geographical Constituency in which a poll is to be taken, the Returning Officer shall cause to be prepared

- (a) a ballot paper or ballot papers;
- (b) a declaration of identity in the form set out in Schedule 5;
- (c) an inner envelope in which the ballot paper is to be placed (hereinafter referred to as the “ballot paper envelope”);
- (d) an outer envelope in which the ballot paper envelope is to be placed with the declaration of identity (hereinafter referred to as the “covering envelope”); and
- (e) instructions to Electors on the appropriate procedure for voting to be followed (which shall include a statement of the provisions of Regulation 16(4)).

(2) Ballot papers

- (a) Ballot papers shall be in the form set out in Schedule 6 or be in a form to like effect. Each ballot paper shall bear the Official Mark and the names of Candidates duly nominated for the panel in the Geographical Constituency which is the subject of the poll.
- (b) The names shall be arranged alphabetically in the order of their surnames, or if there are two or more Candidates bearing the same surname, in the alphabetical order of their forenames or, if their surnames and forenames are the same, in the alphabetical order (surnames or forenames) that shall be determined by lot by the Returning Officer.
- (c) Every ballot paper shall at the time of being sent under Regulation 16(3)(b) be marked with such visible mark or marks permanently affixed on or perforated through the ballot paper as the Returning

Officer considers appropriate (in these Regulations referred to as the “Official Mark”). The Returning Officer shall ensure that the Official Mark is kept secret before the issue of the ballot papers.

(3) Date and Notice of Poll

- (a) The Returning Officer shall fix the day and hour on and at which the period during which s/he may receive votes shall expire and such day shall not be less than 30 or more than 49 days after the expiration of the time for receiving nominations.
- (b) Not more than 21 days after the expiration of the time for receiving nominations, the Returning Officer shall post to each Elector at his or her correspondence address or such other address known, or furnished to the Council, a securely fastened envelope in which there shall have been placed a ballot paper containing the Official Mark and names of the nominated candidates, a declaration of identity form, a ballot paper envelope, a covering envelope, a statement of the provisions of sub-article 16(4) and a statement of the closing date and time for receipt of completed ballot papers.
- (c) The Returning Officer shall record in respect of each panel in a Geographical Constituency the total number of ballot papers with an official mark sent to Electors pursuant to paragraph (b) in respect of each Electoral Category.
- (d) Whenever the Returning Officer is required to take a poll, s/he shall, as soon as practicable—
 - (i) give notice of the taking of the poll, the date of the poll, the place and times for the counting of votes and any other particulars that s/he considers appropriate, and
 - (ii) cause to be published a notice to this effect (in both the Irish and English language) in not less than 3 national daily newspapers published and circulating in the State or otherwise as s/he considers appropriate.

(4) Procedure for Voting

- (a) Each Elector shall mark a ballot paper or ballot papers so as to indicate his or her first and any subsequent preferences against the names of the person or persons for whom s/he wishes to vote and shall place the ballot paper or ballot papers in the ballot paper envelope and securely fasten the envelope.
- (b) The Elector shall—
 - (i) sign, in the presence of a witness, the declaration of identity,
 - (ii) have the declaration duly witnessed and signed by the witness, and

- (iii) place the declaration of identity with the ballot paper envelope inside the covering envelope and send it by post or otherwise to the Returning Officer.

(5) Ballot Box

- (a) The Returning Officer shall provide a ballot box or ballot boxes (all constituting the “Ballot Box”) for the reception of the covering envelopes returned by the Electors and shall at all appropriate times make provision for the safe custody of the Ballot Box and the security of the ballot papers and other documents relating to the poll.
- (b) The Returning Officer shall, immediately on receipt of covering envelopes, place them unopened in the Ballot Box.
- (c) The Ballot Box shall be sealed with the seal of the Returning Officer at the date and time fixed for the purposes of Regulation 16(3)(a) and any covering envelopes received after this time shall be retained unopened by the Returning Officer and shall be endorsed “Late”.

(6) Time and Place for the Counting of Votes

- (a) The Returning Officer shall fix the time for the counting of votes, which shall not be later than 48 hours after the date and time fixed for the purposes of Regulation 16(3)(a).
- (b) The Returning Officer shall give each Candidate at least 48 hours notice in writing of the time and place at which s/he will proceed to open the Ballot Box and count the votes.
- (c) No person other than Candidates (or a candidate’s Agent), the Returning Officer and the Returning Officer’s assistants (if any) may be present at the opening of the Ballot Box and the counting of the votes except with the permission of the Returning Officer. The Returning Officer shall afford reasonable facilities and information (consistent with the orderly conduct of proceedings and the performance of the Returning Officer’s functions) to Candidates and their Agents who are present to observe the proceedings.
- (d) The Returning Officer shall, as far as practicable, proceed with the counting of the votes except during any period that the Returning Officer at his sole discretion may exclude for necessary rest and refreshment.
- (e) At the time fixed for the counting of the votes, the Returning Officer shall open the Ballot Box, remove the covering envelopes, count and record the number of envelopes so removed, open the covering envelopes and examine the declaration of identity forms.
 - (i) If the declaration of identity form is deemed by the Returning Officer to be valid, the ballot paper envelope shall be opened,

the ballot paper withdrawn, and placed in a special receptacle provided by him for ballot papers.

- (ii) If the Returning Officer is not satisfied that the declaration of identity form has been duly signed and the signature duly witnessed, or if a declaration of identity form is not present, the Returning Officer shall endorse on the ballot paper envelope "Vote rejected" without opening such envelope.
 - (iii) The Returning Officer shall show any declaration of identity form which s/he proposes to reject on the ground that it has not been properly signed and witnessed to the Candidates or Agents present and, if an objection is made by any Candidate or Agent to his decision, shall add to the endorsement the words "rejection objected to".
 - (iv) 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.
 - (v) The Returning Officer shall record in writing the total number of ballot paper envelopes rejected under this Regulation.
- (f) When all the ballot papers have been transferred to the special receptacle provided for them, they shall be opened, examined, segregated according to each Poll and counted.
- (g) The Returning Officer shall count the votes for each poll and ascertain and record the number of valid votes to be credited to each Candidate in accordance with the directions set out in Schedule 7.
- (h) Any ballot paper envelope not containing a ballot paper shall be marked "rejected".
- (i) Any ballot paper
- (i) on which anything is written or marked by which the Elector could be identified, or
 - (ii) which is unmarked or so marked as to cause uncertainty as to the Candidate for whom the Elector desires to record a vote, or
 - (iii) on which votes are given in excess of the number to which the Elector is entitled
- shall be invalid and not counted.
- (j) Subject to Regulations 12(2) and 15(2), the Returning Officer shall ensure that the requisite number of Candidates shall be declared elected.

(7) Notice of Persons Elected

- (a) The Returning Officer shall give to every person elected written notice of his election and shall furnish the Council with a list of the persons certified by him or her to have been duly elected in each Geographical Constituency and Electoral Category, showing, if a poll is taken, the number of votes cast for each Candidate.
- (b) Where the provisions of Regulations 12(2) or 15(2) apply, the Returning Officer shall notify the Council accordingly.

SCHEDULE 1

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

ELECTORAL CATEGORIES AND GEOGRAPHICAL
CONSTITUENCIES**Category 1**

Geographical Constituency	Area	Number of members
Connaught- Ulster	The following counties: Cavan, Donegal, Galway, Leitrim, Mayo, Monaghan, Roscommon and Sligo and the city of Galway.	2
Dublin	The following counties: Dún Laoghaire – Rathdown, Fingal and South Dublin; and the city of Dublin.	3
Leinster	The following counties: Carlow, Kildare, Kilkenny, Laois, Longford, Louth, Meath, Offaly, Westmeath, Wexford and Wicklow.	2
Munster	The following counties: Clare, Cork, Kerry, Limerick, North Tipperary, South Tipperary and Waterford and the cities of Cork, Limerick and Waterford.	2

Category 2

Geographical Constituency	Area	Number of members
Connaught, Munster and Ulster	The following counties: Cavan, Clare, Cork, Donegal, Galway, Kerry, Leitrim, Limerick, Mayo, Monaghan, Roscommon, Sligo, North Tipperary, South Tipperary and Waterford and the cities of Cork, Galway, Limerick and Waterford.	2
Leinster	The following counties: Carlow, Dún Laoghaire-Rathdown, Fingal, Kildare, Kilkenny, Laois, Longford, Louth, Meath, Offaly, South Dublin, Westmeath, Wexford and Wicklow; and the city of Dublin.	2

Category 3

Geographical Constituency	Area	Number of members
Connaught, Munster and Ulster	The following counties: Cavan, Clare, Cork, Donegal, Galway, Kerry, Leitrim, Limerick, Mayo, Monaghan, Roscommon, Sligo, North Tipperary, South Tipperary and Waterford and the cities of Cork, Galway, Limerick and Waterford.	1
Leinster	The following counties: Carlow, Dún Laoghaire-Rathdown, Fingal, Kildare, Kilkenny, Laois, Longford, Louth, Meath, Offaly, South Dublin, Westmeath, Wexford and Wicklow and the city of Dublin	1

Category 4

Geographical Constituency	Area	Number of members
Connaught, Leinster, Munster and Ulster	The following counties: Carlow, Cavan, Clare, Cork, Donegal, Dún Laoghaire-Rathdown, Fingal, Galway, Kerry, Kildare, Kilkenny, Laois, Leitrim, Limerick, Longford, Louth, Mayo, Meath, Monaghan, Offaly, Roscommon, Sligo, South Dublin, North Tipperary, South Tipperary, Waterford, Westmeath, Wexford and Wicklow; and the cities of Cork, Dublin, Galway, Limerick and Waterford.	1

SCHEDULE 2

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

NOTICE OF ELECTION

Notice is hereby given that pursuant to the Teaching Council Acts 2001-2006 and the Teaching Council (Election of Members) Regulations 2008 an election of

- (i) nine registered teachers employed in, or qualified to teach in, Recognised Primary Schools and
- (ii) seven registered teachers employed in, or qualified to teach in, Recognised Post-primary Schools

to be a member/ members of the Teaching Council is about to be held.

Nomination papers and further details of the election may be obtained from the Teaching Council's website, www.teachingcouncil.ie, or on application to the undersigned at the offices of the Teaching Council, Block A, Maynooth Business Campus, Maynooth, Co. Kildare.

Completed nomination papers must be delivered to the Returning Officer at the said offices on or before • [C/f Regulation 8].

The Returning Officer will attend to receive nominations at the said offices between the hours of..... and.....on the • [C/f Regulation 8].

Dated this.....day of..... 20.....

Returning Officer

SCHEDULE 3

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

FORM OF DECLARATION

(to be issued with Nomination Papers for return by the candidate nominated)

I,..... (Print Name of Candidate in BLOCK LETTERS),
CONSENT to be nominated for election to the Teaching Council.

Category:

Constituency:

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

Signature:

Registered Teacher Number:

Date:

Correspondence Address:

SCHEDULE 4

*PART A*ELECTION OF MEMBERS TO THE TEACHING COUNCIL
NOMINATION PAPER — RECOGNISED PRIMARY SCHOOLS**Instructions**

Please note a candidate for election to the Council should be nominated in writing by means of a nomination paper in the form set out below. This nomination should be signed by 15 Electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which the Candidate is nominated. The Nomination Paper and the completed consent form should be delivered by the Candidate in person or by post so as to reach the Returning Officer at any time between [insert the date of publication of the public notice pursuant to Regulation 8(1) and the expiration time for receiving nominations].

1. Here insert the candidate's name, with the surname first (Please use BLOCK LETTERS).
2. Here insert the candidate's Teacher Registration Number.
3. Here insert whichever description is most appropriate. i.e. If the registered teacher who is being nominated is currently employed in a Recognised Primary School, then insert the name and address of the Recognised Primary School and place a line through the second description. If the registered teacher who is being nominated is not currently employed in a Recognised Primary School but is qualified to teach in a Recognised Primary School, then place a line through the first description.
4. Here insert the Geographical Constituency for which the candidate is being nominated.

SCHEDULE 4

PART B

ELECTION OF MEMBERS TO THE TEACHING COUNCIL
NOMINATION PAPER — POST PRIMARY RECOGNISED SCHOOLS
CATEGORY —VOLUNTARY SECONDARY SCHOOL SECTOR

Instructions

Please note a candidate for election to the Council should be nominated in writing by means of a nomination paper in the form set out below. This nomination should be signed by 15 Electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which the Candidate is nominated. The Nomination Paper and the completed consent form should be delivered by the Candidate in person or by post so as to reach the Returning Officer at any time between [insert the date of publication of the public notice pursuant to Regulation 8(1) and the expiration time for receiving nominations].

1. Here insert the candidate's name, with the surname first (Please use BLOCK LETTERS).
2. Here insert the candidate's teacher registration number.
3. Here insert whichever description is most appropriate. i.e. If the registered teacher who is being nominated is currently employed in a Recognised Post-primary School, then insert the name and address of the Recognised Post-primary School and place a line through the second description. If the registered teacher who is being nominated is not currently employed in a Recognised Post-primary School but is qualified to teach in a Recognised Post-primary School, then place a line through the first description.
4. Here insert the Geographical Constituency for which the candidate is being nominated.

SCHEDULE 4

PART C

ELECTION OF MEMBERS TO THE TEACHING COUNCIL
NOMINATION PAPER — POST PRIMARY RECOGNISED SCHOOLS
CATEGORY — VOCATIONAL EDUCATION SECTOR

Instructions

Please note a candidate for election to the Council should be nominated in writing by means of a nomination paper in the form set out below. This nomination should be signed by 15 Electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which the Candidate is nominated. The Nomination Paper and the completed consent form should be delivered by the Candidate in person or by post so as to reach the Returning Officer at any time between [insert the date of publication of the public notice pursuant to Regulation 8(1) and the expiration time for receiving nominations].

1. Here insert the candidate's name, with the surname first (Please use BLOCK LETTERS).
2. Here insert the candidate's teacher registration number.
3. Here insert whichever description is most appropriate. i.e. If the registered teacher who is being nominated is currently employed in a Recognised Post-primary School, then insert the name and address of the Recognised Post-primary School and place a line through the second description. If the registered teacher who is being nominated is not currently employed in a Recognised Post-primary School but is qualified to teach in a Recognised Post-primary School, then place a line through the first description.
4. Here insert the Geographical Constituency for which the candidate is being nominated.

SCHEDULE 4

PART D

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

NOMINATION PAPER — POST PRIMARY RECOGNISED SCHOOLS

CATEGORY — COMMUNITY & COMPREHENSIVE SCHOOL SECTOR

Instructions

Please note a candidate for election to the Council should be nominated in writing by means of a nomination paper in the form set out below. This nomination should be signed by 15 Electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which the Candidate is nominated. The Nomination Paper and the completed consent form should be delivered by the Candidate in person or by post so as to reach the Returning Officer at any time between [insert the date of publication of the public notice pursuant to Regulation 8(1) and the expiration time for receiving nominations].

1. Here insert the candidate's name, with the surname first (Please use BLOCK LETTERS).
2. Here insert the candidate's teacher registration number.
3. Here insert whichever description is most appropriate. i.e. If the registered teacher who is being nominated is currently employed in a Recognised Post-primary School, then insert the name and address of the Recognised Post-primary School and place a line through the second description. If the registered teacher who is being nominated is not currently employed in a Recognised Post-primary School but is qualified to teach in a Recognised Post-primary School, then place a line through the first description.
4. Here insert the Geographical Constituency for which the candidate is being nominated.

SCHEDULE 5

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

DECLARATION OF IDENTITY FORM

I, the undersigned, hereby declare that I am the person entitled to receive the enclosed ballot paper or ballot papers, that I am an Eligible Teacher, and that I have not marked a ballot paper in respect of any other Geographical Constituency or Electoral Category.

Elector's Name (BLOCK capitals): _____

Teacher Registration Number: _____

Voter's Signature: _____

Date: _____

The above named is personally known to me and has signed the above declaration in my presence.

Witness's Name (BLOCK capitals): _____

Signature: _____

Address: _____

Occupation: _____

SCHEDULE 6

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

BALLOT PAPER

Mark in order of preference in the space for “Voter’s mark” below.

Voter's Mark	Candidate	School/ Correspondence Address	Electoral Category	Geographical Constituency

Instructions:

1. Enter the figure “1” beside the candidate of your first choice, “2” beside your second choice and so on in order of preference against the name or names of the persons for whom you wish to vote. You do not have to mark a preference against the name of every candidate on the ballot paper and you may vote for any number of candidates you wish.

2. Fold the ballot paper and put it in the ballot paper envelope.

3. Place the ballot paper envelope and the declaration of identity duly signed and witnessed in the covering envelope and send to the Returning Officer to arrive not later than •[insert date and time]

SCHEDULE 7

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

RULES RELATING TO THE COUNTING OF VOTES
IN ACCORDANCE WITH THE SINGLE TRANSFERABLE VOTE
SYSTEM**1. Definitions**

In this Schedule—

“continuing candidate” means any candidate not deemed elected and not excluded;

“count” includes—

- (i) all the operations involved in the counting of the first preferences recorded for candidates,
- (ii) all the operations involved in the transfer of the votes of an excluded candidate,
- (iii) all the operations involved in the transfer of the votes of 2 or more candidates excluded together, and
- (iv) all the operations involved in the distribution of the surplus votes of a candidate deemed elected.

“deemed to be elected” means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;

“determine by lot” means determine in accordance with the following directions, namely, the names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random—

- (i) in cases of exclusion, the candidate or candidates shall be excluded in the order in which their names are drawn,
- (ii) in cases of surpluses, the surpluses shall be transferred in the order in which the names are drawn, and
- (iii) in cases of equality of fractions, the fraction relating to the candidate whose name is first drawn shall be deemed to be the largest;

“mark” means a figure, or word or a mark such as “X”;

“non-transferable paper” means ballot paper on which no second or subsequent preference is recorded for a continuing candidate, provided that a paper shall be deemed to have become a non-transferable paper whenever—

- (i) the names of 2 or more candidates (whether continuing candidates or not) are marked with marks which, in the opinion of the Returning Officer, indicate the same order of preference and are next in order of preference, or
- (ii) the name of the candidate next in order of preference (whether a continuing candidate or not) is marked with a mark which, in the opinion of the Returning Officer, does not follow consecutively after some other mark on the ballot paper, or with 2 or more marks, or
- (iii) it is void for uncertainty;

“original vote” in relation to any candidate, means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

“preference” shall be read as follows:

- (i) “first preference” means any mark which, in the opinion of the Returning Officer, clearly indicates a first preference;

“second preference” means any mark, which, in the opinion of the Returning Officer, clearly indicates a second preference standing in succession to a first preference;

“third preference” means any mark which, in the opinion of the Returning Officer, clearly indicates a third preference standing in succession to a second preference,

and so on;

- (ii) “next available preference” means a preference which, in the opinion of the Returning Officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preferences next in order on the ballot paper for candidates already deemed to be elected or excluded being disregarded;

“quota” has the meaning assigned to it by paragraph 4;

“surplus” means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota;

“transferable paper” means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

“transferred vote” in relation to any candidate, means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

2. Invalid ballot papers

- (a) Any ballot paper—
- (i) which does not bear the Official Mark,
 - (ii) on which the figure “1” standing alone, or the word “one” or any other mark which, in the opinion of the Returning Officer, clearly indicates a first preference, is not placed at all or is not so placed as to indicate a first preference for some candidate,
 - (iii) on which the figure “1” standing alone indicating a first preference, or the word “one” or any other mark which, in the opinion of the Returning Officer, clearly indicates a first preference, is set opposite the name of more than one candidate,
 - (iv) on which anything is written or marked which, in the opinion of the Returning Officer, is calculated to identify the Elector,

shall be invalid and not counted, but the ballot paper shall not be invalid by reason only of carrying the words “one”, “two”, “three” (and so on) or any other mark which, in the opinion of the Returning Officer, clearly indicates a preference or preferences.

- (b) The Returning Officer may endorse on any ballot paper, which he or she does not reject as invalid, an indication of his or her decision without, however, interfering with any mark placed by the Elector on the ballot paper.
- (c) (i) The Returning Officer shall endorse “rejected” on any ballot paper which under this paragraph is not to be counted.
- (ii) Any ballot paper endorsed “rejected” by the Returning Officer shall not subsequently form part of any re-examination or recount as provided for in paragraph 9.
- (iii) The Returning Officer shall prepare a statement showing the number of ballot papers endorsed “rejected” and shall, on request, allow any Candidate or Agent to copy the statement.

3. First count

- (a) The Returning Officer shall arrange the valid ballot papers in parcels according to the first preferences recorded for each Candidate.
- (b) The Returning Officer shall then count the number of ballot papers in each parcel and credit each Candidate with a number of votes equal

to the number of valid ballot papers on which a first preference has been recorded for the Candidate and the Returning Officer shall ascertain the number of all valid ballot papers.

4. **The quota**

- (a) The Returning Officer shall then divide the number of all valid papers by a number exceeding by one the number of members to be elected; the result increased by one, any fractional remainder being disregarded, shall be the number of votes sufficient to secure the election of a Candidate and this number is referred to in this Schedule as the “quota”.
- (b) Where at the end of any count the number of votes credited to a Candidate is equal to or greater than the quota, that Candidate shall be deemed to be elected.

5. **Transfer of surplus**

- (a) Where at the end of any count the number of votes credited to a Candidate is greater than the quota, the surplus shall be transferred in accordance with and subject to this paragraph to the continuing candidate or candidates indicated on the ballot papers in the parcel or sub-parcel of the candidate deemed to be elected according to the next available preferences recorded thereon.
- (b) Where the votes credited to a Candidate deemed to be elected whose surplus is to be transferred consist of original votes only, the Returning Officer shall examine all the papers in the parcel of that Candidate and shall arrange the transferable papers in sub-parcels according to the next available preferences recorded thereon.
- (c) Where the votes credited to a Candidate deemed to be elected whose surplus is to be transferred consist of original and transferred votes, or of transferred votes only, the Returning Officer shall examine the papers contained in the sub-parcel last received by that Candidate and shall arrange the transferable papers therein in further sub-parcels according to the next available preference recorded thereon.
- (d) In either of the cases referred to in subparagraphs (b) and (c) the Returning Officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.
- (e) Where—
 - (i) the surplus is equal to the total number of papers in the sub-parcels of transferable papers, the Returning Officer shall transfer

each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voter's next available preference,

- (ii) the surplus is greater than the total number of papers in the sub-parcels of transferable papers, the Returning Officer shall proceed as specified in subparagraph (i) and shall in addition make a sub-parcel of a number of non-transferable papers equal to the difference between such total number and the surplus and set the papers therein aside as finally dealt with, such papers being described as non-transferable papers not effective, and the non-transferable papers, as the case may be, also arranged as a sub-parcel shall be placed with the papers of the Candidate deemed to be elected.
- (f) Where the surplus is less than the total number of transferable papers the following provisions apply:
- (i) the Returning Officer shall transfer from each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next available preference that number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers;
 - (ii) the number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers;
 - (iii) a note shall be made of the fractions (which may be expressed in decimal form), if any, in each quotient ascertained in respect of each Candidate in accordance with subparagraph (ii) and if, owing to the existence of such fractions, the number of papers to be transferred is less than the surplus, so many of these fractions taken in the order their magnitude (beginning with largest) as are necessary to make the total number of papers to be transferred equal to the surplus shall be reckoned as of the value of unity and the remaining fractions shall be disregarded;
 - (iv) where 2 or more fractions are of equal magnitude, and it is not possible for the purposes of subparagraph (iii) to reckon all of those fractions as of the value of unity, that fraction shall be deemed to be the largest which arises from the largest sub-parcel, and if those sub-parcels are equal in size, that fraction shall be deemed to be the largest which relates to the Candidate credited with the largest number of original votes. Where the numbers of those original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first count at which they were credited with an unequal number of votes, and the fraction relating to the candidate credited with the greatest

number of votes at that count shall be deemed to be largest. Where the numbers of votes credited to those Candidates were equal at all counts the Returning Officer shall determine by lot which fraction shall be deemed to be the largest.

- (g) The papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel, and each paper so transferred shall be marked to indicate the number of the count at which the transfer took place.
- (h) The Returning Officer shall not transfer the surplus of a Candidate deemed to be elected whenever that surplus, together with any other surplus not transferred, is less than both the difference between the quota and the number of votes credited to the highest continuing candidate and the difference between the numbers of the votes credited to the 2 lowest continuing candidates and either—
 - (i) the number of votes credited to the lowest Candidate is greater than one quarter of the quota, or
 - (ii) the sum of the number of votes credited to the lowest Candidate together with that surplus and any other surplus not transferred is not greater than one quarter of the quota.
- (i) Where at any time there are 2 or more surpluses which are to be transferred, the greater or greatest of such surpluses shall first be transferred and the remaining surplus or surpluses shall then, subject to subparagraph (h), be transferred in the order of their descending magnitude.
- (j) Where 2 or more Candidates have each an equal surplus arising from the same count regard shall be had to the number of original votes credited to each Candidate and the surplus of the Candidate credited with the largest number of original votes shall be first dealt with. Where the numbers of such original votes are equal regard shall be had to the total number of votes credited to such Candidates at the first count at which they had an unequal number of votes and the surplus of the Candidate with the greatest number of votes at that count shall be first dealt with. Where the numbers of votes credited to such Candidates were equal at all counts the Returning Officer shall determine by lot which surplus shall be first dealt with.
- (k) Subject to subparagraphs (h) and (i), where 2 or more Candidates have a surplus arising from different counts, a surplus which arises at the end of any count shall be transferred before a surplus which arises at a subsequent count.

6. Exclusion of candidate

- (a) If at any time no Candidate has a surplus (or when under paragraph 5(h) an existing surplus is not transferred) and one or more vacancies remain unfilled, the Returning Officer shall—

- (i) exclude the Candidate or Candidates credited with the lowest number of votes,
 - (ii) examine all the ballot papers of that Candidate or Candidates,
 - (iii) arrange the transferable ballot papers in sub-parcels according to the next available preferences recorded thereon for continuing candidates,
 - (iv) transfer each sub-parcel to the Candidate for whom that preference is recorded, and
 - (v) make a separate sub-parcel of the non-transferable ballot papers.
- (b) The non-transferable ballot papers shall be set aside and not further taken into account and shall be labelled as non-transferable ballot papers not effective.
- (c) Where the total of the votes of the 2 or more lowest Candidates together with any surplus not transferred is less than the number of votes credited to the next highest candidate, the Returning Officer may in one operation exclude those 2 or next lowest candidates.
- (d) If, when a Candidate has to be excluded under this paragraph, 2 or more Candidates have each the same number of votes and are lowest, regard shall be had to the numbers of original votes credited to each of those Candidates, and the Candidate with the lowest number of original votes shall be excluded and where the number of the original votes are equal, regard shall be had to the total numbers of votes credited to those Candidates at the first count at which they had an unequal number of votes and the Candidate with the lowest number of votes at that count shall be excluded and, where the numbers of votes credited to those Candidates were equal at all counts, the Returning Officer shall determine by lot which shall be excluded.

7. Transfer of votes

- (a) Where a transfer of votes is made under paragraph 5, each sub-parcel of papers transferred shall be placed on top of the parcel, if any, of papers of the candidate to whom the transfer is made, and that Candidate shall be credited with a number of votes equal to the number of papers transferred to that Candidate.
- (b) If, after any transfer, a Candidate has a surplus, that surplus shall be dealt with in accordance with and subject to paragraph 5 before any other Candidate is excluded.

8. Filling of vacancy without reaching quota

- (a) Where there is only one continuing candidate after the other Candidates have been excluded and that continuing candidate has not reached the quota he or she shall be deemed to be elected.
- (b) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates shall thereupon be deemed to be elected.

9. Recount

- (a) Any Candidate or Agent present at the counting of votes may, at the conclusion of any count, request the Returning Officer to re-examine and recount all or any of the papers dealt with during that count and the Returning Officer shall, as soon as practicable, re-examine and recount the papers accordingly, without making any alterations in the arrangement of the papers in the various parcels, save where such alterations may be necessary in consequence of any error discovered in the recount.
- (b) The Returning Officer may also at his or her discretion recount papers either once or more often in any case in which he or she is not satisfied as to the accuracy of any count but nothing in this paragraph shall make it obligatory for the Returning Officer to recount the same parcel of papers more than once.
- (c) The power of the Returning Officer under subparagraphs (a) and (b) to recount at his or her discretion papers in any case in which he or she is not satisfied as to the accuracy of any count shall extend to papers dealt with at an earlier count than the immediately preceding one.
- (d)
 - (i) One request (and not more) may be made by each Candidate or by his or her Agent for a complete re-examination and recount of all parcels of ballot papers and the Returning Officer shall as soon as practicable re-examine and recount the parcels of ballot papers accordingly.
 - (ii) In the re-examination and recount, the number or order of ballot papers in any parcel shall not be disturbed.
 - (iii) Nothing in this paragraph shall make it obligatory on the Returning Officer to re-examine or recount the same parcel of papers more than once, but if an error is discovered which is, in the opinion of the Returning Officer, a significant error likely to affect the result of the election, the Returning Officer shall count all the papers afresh from the point at which the error occurred.

- (iv) Nothing in this paragraph shall make it obligatory for the Returning Officer to comply with a request by a Candidate or his or her Agent which, in the opinion of the Returning Officer, is frivolous or vexatious.
- (v) A request under this subparagraph may be made only at the conclusion of a count.
- (e) Where an error is discovered, the Returning Officer shall, where necessary, amend any results previously announced by him or her.
- (f) Where a request made under subparagraph (d)(i) is withdrawn by the Candidate or Agent concerned, it shall be open to the Returning Officer not to proceed or to proceed further with the re-examination and recount.

10. Declaration of the result of the poll

On the completion of the counting of votes the Returning Officer shall determine and declare the results of the poll.



GIVEN under the seal of the Teaching Council

Joan Ward
Chairperson
[Authenticating Signature]

Áine Lawlor
Secretary & Director
[Authenticating Signature]

Dated the 24 day of September, 2008.

The Minister for Education and Science consents to the making of the foregoing Regulations



GIVEN under the Official Seal of the Minister for Education and
Science,
24 September 2008

BATT O'KEEFFE,
Minister for Education and Science.

Minister for Education and Science

Dated the 24 day of September, 2008.

EXPLANATORY NOTE

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

The purpose of the statutory instrument is to provide for the election of members to the Teaching Council in accordance with paragraphs (a)(i) and (b)(i) of section 8(2) of the Teaching Council Acts 2001 and 2006 and to provide for the determination of constituencies and the number of members from each constituency for the purpose of ensuring, in so far as it is practicable, that the election of members shall be on as equitable a geographical basis as possible.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834/37 nó 1890 213434; Fax: 01 - 6476843 nó 094 - 9378964)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834/37 or 1890 213434; Fax: 01 - 6476843 or 094 - 9378964)
or through any bookseller.

€8.89

