

S.I. No. 150/1985 - The Dental Council (Election of Members) Regulations, 1985.

S.I. No. 150/1985:

THE DENTAL COUNCIL (ELECTION OF MEMBERS) REGULATIONS, 1985.

THE DENTAL COUNCIL (ELECTION OF MEMBERS) REGULATIONS, 1985.

The Minister for Health, in exercise of the powers conferred on him by sections 11 and 63 of the Dentists Act, 1985 (No. 9 of 1985) hereby makes the following regulations:—

Citation.

1. These Regulations may be cited as the Dental Council (Election of Members) Regulations, 1985.

Definitions.

2. In these Regulations—

(1) "The Act" means the Dentists Act, 1985 (No. 9 of 1985);

(2) "The Council" means the Dental Council established under the Act;

(3) "election year" means as respects the first elections held in accordance with these Regulations the year 1985 and as respects subsequent elections the year in which the term of office of the members elected in accordance with these Regulations expires;

(4) "the Minister" means the Minister for Health.

Conduct of elections.

3. Elections for the purpose of section 9(1)(c) of the Act shall be conducted in accordance with these Regulations.

Date of appointment of persons elected to the first Council.

4. The persons elected at the first election of members to the Council shall take office on the date appointed by the Minister under section 12 of the Act for the first meeting of the Council.

Returning officer.

5. Subject to the provisions of these Regulations, the returning officer shall be responsible for the conduct of an election under these Regulations.

Costs of election.

6. The expenses of a returning officer in conducting an election of members to the Council shall be defrayed by the Council.

Election office.

7. The returning officer for an election shall appoint a place to be his office for the purposes of the election.

General provisions as to agents.

8. (1) Each candidate at an election may appoint agents to be present on his behalf as regards the election at the reception of nominations; the forwarding of voting papers; the sealing of the ballot box and the counting of the votes.

(2) The number of agents who may be present may be determined by the returning officer provided that the same number shall be allowed on behalf of each candidate at the election.

(3) Where at an election an agent is appointed under this Article the candidate shall give to the returning officer notice in writing of the appointment and such notice shall be received by the returning officer not less than fourteen days before the polling day.

Officers not to act as agents etc.

9. (1) The returning officer or any person duly authorised by him to act in any way on his behalf at an election shall not be a candidate or an agent of a candidate at the election or promote the candidature of any candidate at the election.

(2) The returning officer shall not authorise to act in any way on his behalf at an election a person who to his knowledge is or has been the agent of a candidate at the election or who to his knowledge has at the election promoted the candidature of a candidate.

Notice of election.

10. (1) The returning officer at an election shall, not later than two months before the expiration of the term of office of members of the Council, and in the case of the first meeting of the Council on such date or dates as may be decided by the returning officer, give, through publication of a notice in one or more daily newspapers circulating in the State, public notice of the election, which notice shall state—

- (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 he may receive nomination papers will expire;
- (b) the day on which, the time during which and the place at which he will attend to receive nomination papers; and
- (c) that if a poll is taken, the day and hour on and at which the period during which he may receive votes will expire and the day and hour on and at which the counting of votes will commence.

(2) The public notice shall be in the form set out in the first Schedule to these Regulations or in a form to the like effect.

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

(4) The expiration of the time for receiving nominations shall be not less than twenty-one days and not more than twenty-eight days after the first publication of the notice prescribed in sub-article (1).

Qualification of candidates.

11. A candidate for election to the Council shall be a fully registered dentist resident in the State on the day preceding the last day for receiving nominations.

Nomination of candidates.

12. (1) A person shall not be nominated as a candidate at an election or have his nomination withdrawn without his consent.

(2) A candidate for election to the Council shall be nominated in writing by a separate nomination paper in the form specified in the Second Schedule to these Regulations and signed by not less than six other fully registered dentists. The nomination paper shall, together with a completed consent form in the form set out in the Third Schedule to these Regulations, be delivered by the candidate in person or by post so as to reach the returning officer at any time between the date the public notice is published pursuant to article 10(1) and the expiration of the time for receiving nominations.

(3) At an election a person shall not be entitled to have his name entered on a ballot paper unless he has been duly nominated and his nomination has been ruled as being valid by the returning officer.

(4) Each candidate shall be nominated by a separate nomination paper and any elector may sign more than one nomination paper.

Times for receiving completed nominations.

13. 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 him for receiving nomination papers. Every nomination paper delivered to the returning officer at any time before the commencement of the hours aforesaid shall be retained by the returning officer and produced by him at the commencement of the hours aforesaid and shall be deemed to have been delivered to him at the beginning of those hours.

Ruling on the validity of nomination papers.

14. (1) At an election the returning officer shall rule on the validity of the nomination papers received by him.

(2) At an election a person proposed for nomination and one agent representing that person shall be entitled to attend while the validity of nominations at the election is being ruled on by the returning officer and no other person shall be entitled so to attend except with the permission of the returning officer.

(3) 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 such candidate. The surname of the candidate shall be placed first in the statement of his names and the address in the State at which he resides shall be stated in the nomination paper.

(4) A misnomer or inaccurate description of any person or place named in any nomination paper shall not invalidate such paper if in the opinion of the returning officer the misnomer or description of such person or place is such as to be commonly understood.

(5) 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 such objection is made by the returning officer himself or to the returning officer by some other person during the time for receiving nominations.

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

Death of candidate.

15. If a candidate dies at any time between his 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.

Publication of nominations.

16. (1) The returning officer shall, after he has ruled on the nomination papers, cause a notice to be displayed in his office stating the names and descriptions of the persons validly nominated at an election and the names of the persons by whom the persons nominated as candidates were proposed.

(2) The returning officer shall as soon as may be after delivery to him of a notice of withdrawal under article 14(6) of these Regulations give notice of the withdrawal by whatever means he considers appropriate.

Election of members.

17. (1) Where the number of duly nominated candidates does not exceed the number of persons to be elected, the returning officer shall forthwith declare such candidates to be elected.

(2) Where the number of duly nominated candidates exceeds the number to be elected, a poll shall be taken by the returning officer.

Date of Poll.

18. The returning officer shall fix the day and hour on and at which the period during which he may receive votes shall expire and such day shall be not less than twenty-one or more than twenty-eight days after the expiration of the time for receiving nominations.

Notice of poll.

19. Where the returning officer adjourns an election for the taking of a poll, he shall, as soon as practicable, and in such manner as he considers appropriate, give notice of the taking of the poll, the place and times for the counting of votes and any other particulars

which he considers appropriate.

Ballot papers.

20. (1) The returning officer shall prepare ballot papers which shall be in the form set out in the Fourth Schedule to these Regulations or in a form to the like effect, setting out the names of the candidates alphabetically in the order of their surnames, or if there are two or more candidates having the same surname in the alphabetical order of their other names.

(2) Not more than ten days after the expiration of the time for receiving nominations, the returning officer shall post to each fully registered dentist a securely fastened envelope in which there shall have been placed a ballot paper containing the names of the nominated candidates, an identification declaration form in the form set out in the Fifth Schedule to these Regulations, a ballot paper envelope, a covering envelope and a statement of the provisions of article 22.

Ballot box.

21. (1) The returning officer shall provide a ballot box for the reception of the covering envelopes when returned by the voters.

(2) The ballot box shall be sealed by the returning officer in the presence of such candidates or agents as may be in attendance at the time fixed for the opening of the poll.

(3) The returning officer, on the expiration of the time during which he may receive votes, shall close the ballot box.

Procedure for voting.

22. Each voter shall mark the ballot paper delivered to him with a 1, 2, 3 etc. in order of preference against the names of the person or persons for whom he desires to vote and shall place his ballot paper (folded face inwards) in the ballot paper envelope and securely fasten the same. The voter shall sign the declaration printed on the identification declaration form, have it duly witnessed and signed by the witness, place it with the ballot paper envelope inside the covering envelope and send it by post or otherwise to the returning officer.

Time and place for the counting of votes.

23. (1) The counting of the votes shall commence on the expiry of the period during which the returning officer may receive votes or at a time not later than forty-eight hours after such expiry, as fixed by the returning officer.

(2) At an election the returning officer shall appoint a place at which he will count the votes.

Attendance at the counting of votes.

24. (1) At the counting of votes no person other than a candidate, the returning officer's assistants or a candidate's agent duly appointed under these Regulations may be present, except with the permission of the returning officer.

(2) The returning officer shall give such candidates' agents as are present all such reasonable facilities for observing the proceedings at the counting of the votes (including in particular facilities for satisfying themselves that the ballot papers are correctly sorted) and all such information with respect thereto as he can give them consistent with the orderly conduct of the proceedings.

Preliminary proceedings.

25. (1) The returning officer shall, at the time fixed for counting the votes, open the ballot box, remove and open the covering envelopes and examine the identification declaration forms therein. If the identification declaration 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 him for ballot papers.

(2) Where the returning officer is not satisfied that the identification declaration form has been duly signed and the signature duly witnessed, or where a ballot paper envelope is not accompanied by an identification declaration form, he shall endorse the ballot paper envelope "vote rejected" without opening such envelope.

(3) Any ballot paper envelope not containing a ballot paper shall be marked "rejected".

(4) The returning officer shall show any identification declaration form which he proposes to reject on the ground that it has not

been properly signed and witnessed to the candidates or agents present and, if any objection is made by any candidate or agent to his decision, shall add to the endorsement the words "rejection objected to".

(5) The returning officer shall keep all rejected identification declaration forms with the attached ballot paper envelopes or ballot papers, as the case may be, separate from other documents.

Times for the counting of votes.

26. The returning officer shall, as far as is practicable at an election, proceed with the counting of the votes but excluding such hours as he shall decide. During the time which may be so excluded the returning officer shall take due precautions for the security of the ballot papers and other documents relating to the poll.

Conduct of the counting of votes.

27. (1) The returning officer shall cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid and shall, in accordance with the rules contained in the Sixth Schedule to these Regulations, ascertain and record the number of votes given to each candidate at an election.

(2) In counting the votes the returning officer shall credit the candidates at an election with votes in accordance with the rules contained in the Sixth Schedule to these Regulations.

Return of persons elected.

28. (1) The returning officer shall forthwith give to every person elected written notice of his election and shall furnish the Minister in the case of the first election and the Council in the case of subsequent elections with a list of the persons certified by him to have been duly elected.

(2) When the result of an election has been ascertained the returning officer shall, as soon as may be, prepare a statement in the form set out in the Seventh Schedule to these Regulations.

(3) The returning officer shall cause the result of an election to be announced by whatever means he considers appropriate and such announcement shall indicate the order in which each candidate at the election stood at the completion of the counting of the votes and such other information as the returning officer considers appropriate.

(4) The returning officer shall, as soon as may be, send a copy of the statement prepared in pursuance of paragraph (2) of this Regulation to the Minister and to the Council.

Powers of Returning Officer.

29. (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) 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 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.

Retention and disposal of documents.

30. On the completion of the counting of the votes at an election, the returning officer shall arrange to have all documents relating to the election retained for one year at the expiration of which they shall be disposed of in such manner as the Council may direct.

FIRST SCHEDULE

NOTICE OF ELECTION OF MEMBERS TO THE DENTAL COUNCIL

Notice is hereby given that, for the purpose of electing members to the Dental Council in accordance with the provisions of section 9(1)(c) of the Dentists Act 1985, an election is about to be held.

To be eligible for election a person must be a fully registered dentist resident in the State on the day preceding the last day for receiving nominations. Nomination of a candidate shall be subscribed by six other fully registered dentists.

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 forms 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

If a poll is taken, the counting of votes will commence at

a.m. on at

Returning Officer

Address

Date

SECOND SCHEDULE

ELECTION OF MEMBERS TO THE DENTAL COUNCIL PÁIPÉAR AINMNIÚCHAÁN NOMINATION PAPER

Déanaimidne, a bhfuil ár s níú anseo thíos, agus sin inár bhfiacloirí lánchláraithe.

We, the undersigned, being fully registered dentists, hereby nominate

(i)

.....
fiacloir lánchláraithe, a bhfuil cónaí air sa Stát ag
a fully registered dentist, resident in the State at

(ii)

.....
a ainmiú leis seo mar iarrthóir lena thoghadh chun na Comhairle Fiacloireachta de réir
fhorálacha alt 9 d'Acht na bhFiacloirí, 1985.

as a candidate for election to the Dental Council in accordance with the provisions of section 9
of the Dentists Act, 1985.

S níú na Ainmneora

Seoladh

Signature of Nominator

Address

Treoracha

Instructions

(i) Cuir isteach anseo ainm an iarrthóra.
Bíodh an sloinne dtús agus an t-ainm
(na hainmneacha) baiste ina dhiaidh.
Blioclitreacha le do thoil.

(i) Here insert the candidate's name,
with the surname first, followed by
Christian name(s). Please use block
capitals.

(ii) Cuir isteach anseo an seoladh ag a
bhfuil cónaí ar an iarrthóir sa Stát.

(ii) Here insert the address at which the
candidate resides in the State.

THIRD SCHEDULE

ELECTION OF MEMBERS TO THE DENTAL COUNCIL FORM OF DECLARATION OF CONSENT

(atá le heisiúint in éineacht leis an Páipéir Ainmniúcháin agus atá le cur ar ais ag an iarrthóir a ainmnítear)

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

TOILÍM go n-ainmneofaí mé le toghadh chun na Comhairle Fiacloireachta.

I CONSENT to be nominated for election to the Dental Council.

DEARBHAÍM gur ceart na ráitis ar na páipéir ainmniúcháin maidir le m'ainmniúcháin mar iarrthóir.

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

Síniú :
Signature
Dáta :
Date
Seoladh :
Address

FOURTH SCHEDULE

TOGHCHÁN COMHALTAÍ CHUN NA COMHAIRLE FIACLÓIREACHTA

ELECTION OF MEMBERS TO THE DENTAL COUNCIL PÁIPÉAR BALLÓIDE

BALLOT PAPER

Marcáil ord do rogha sa spás seo Mark order of preference in space below	Ainm an Iarrthóra Name of Candidate	Seoladh Address
--------------------------------------------------------------------------------	----------------------------------------	--------------------

Treoracha

Instructions

1. Scríobh '1' le hais ainm an chéad iarrthóra is rogha leat, '2' le hais do dhara rogha agus mar sin de.

1. Write '1' beside the candidate of your first choice, '2' beside your second choice and so on.

2. Fill an paipéar ionas nach bhfeicfear do vóta agus cuir i gelúdach an pháipéir ballóide agus foirm an dearbhaithe céannachta san fhorchlúdach agus cuir go dtí an ceann comhairlinh é.

2. Fold the ballot paper to conceal your vote and put it in the ballot paper envelope, then place the ballot paper envelope and identification declaration form in the covering envelope and send to returning officer.

FIFTH SCHEDULE

TOGHCHÁN COMHALTAÍ CHUN NA COMHAIRLE FIACLÓIREACHTA

ELECTION OF MEMBERS TO THE DENTAL COUNCIL

DEARBHÚ CÉANNACHTA

DECLARATION OF IDENTITY

Déanaimse, a bhfuil mo shíniú anseo thíos, a dearbhú leis seo gur mise an duine atá i dteideal an paipéar ballóide atá istigh leis seo a fháil, gur fíaclóir lánchláraithe mé agus nach bhfuil aon paipéar ballóide eile marcáilte agam sa toghchán seo.

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

Ainm an Vótálaí : _____

(Bloclitreacha)

Voter's Name (Block Capitals)

Síniú an Votálaí :

Voter's Signature

Dáta :

Date

Tá aithne phearsanta agam ar an duine thuasluaite agus tá sé tar eis an dearbhú sin thuas a shíniú i mo láthair.

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

Aimn an Fhinné (Bloclitreacha) :

Witness's Name (Block Capitals)

Síniú an Fhinné :

Witness's Signature

Seoladh :

Address

Dáta :

Date

Slí bheatha :

Occupation

SIXTH SCHEDULE

RULES FOR COUNTING VOTES

Definitions.

1. In these Rules:—

"continuing candidate" means any candidate not deemed to be elected and not excluded:

"count" means:—

(a) all the operations involved in the counting of the first preferences recorded for candidates: or

(b) all the operations involved in the transfer of the surplus of an elected candidate: or

(c) all the operations involved in the transfer of the votes of an excluded candidate:

"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, the candidate or candidates shall in cases of exclusion be excluded in the order in which their names are drawn and in cases of surpluses, the surpluses shall be transferred in the order in which the names are drawn:

"mark" means a figure, a word or a mark such as "X":

"non-transferable paper" means a 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:—

(a) the names of two 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

(b) 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 two or more marks, or

(c) it is void for uncertainty;

"original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

"preference" shall be interpreted as follows:—

(a) "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;

(b) "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 ignored;

"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 regard to any candidate, means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

Invalid ballot papers.

2. (1) Any ballot paper:—

(a) on which the figure 1 standing alone is not placed at all or is not so placed as to indicate a first preference for some candidate, or

(b) on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate, or

(c) on which anything is written or marked by which the voter can be identified,

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.

(2) The returning officer shall endorse "Rejected" on any ballot paper which under this article is not to be counted. The returning officer shall prepare a statement showing the number of ballot papers rejected by him under each of the sub-paragraphs (a), (b) and (c) of the preceding paragraph and shall, on request, allow any candidate or agent of a candidate to copy such statement.

First count.

3. (1) After the ballot papers have been mixed, the returning officer shall, rejecting any that are invalid, arrange them in parcels according to the first preferences recorded for each candidate.

(2) The returning office shall then count the number of papers in each parcel and credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for such candidate and he shall ascertain the number of all valid papers.

The quota.

4. (1) 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. This number is referred to in these Rules as "the quota".

(2) 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.

Transfer of surplus.

5. (1) 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 this rule 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.

(2) 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.

(3) 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 the candidate and shall arrange the transferable papers therein in further sub-parcels according to the next available preferences recorded thereon.

(4) In either of the cases referred to in paragraphs (2) and (3) of this rule 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.

(5) If the surplus is equal to or greater than 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 voters' next available preference. Where, however, the surplus is greater than such total number, a sub-parcel shall be made of a number of non-transferable papers equal to the difference between such total number and the surplus and the papers in such sub-parcel shall be set aside and not further taken into account and, for the purposes of article 28(3) of these Regulations, shall be described as non-transferable papers not effective and the remaining non-transferable papers, also arranged as a sub-parcel, shall be placed with the papers of the candidate deemed to be elected.

(6) Where the surplus is less than the total number of transferable papers, 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. 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. A note shall be made of the fractions, if any, in each quotient ascertained in respect of each candidate. 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 of their magnitude (beginning with the 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 ignored. Where two or more fractions are of equal magnitude, that fraction shall be deemed to be the largest which arises from the largest sub-parcel, and if such 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 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 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 the largest. Where the numbers of votes credited to such candidates were equal at all counts the returning officer shall determine by lot which fraction shall be deemed to be the largest.

(7) 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.

(8) A surplus which arises at the end of any count shall be transferred before a surplus which arises at a subsequent count; provided that—

(a) the returning officer need not necessarily transfer the surplus of a candidate deemed to be elected when that surplus, together with any other surplus not transferred, is less than the difference between the numbers of the votes credited to the two lowest continuing candidates and either—

(i) the number of votes credited to the lowest candidate is greater than one-third 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-third of the quota;

(b) a surplus which is equal to or greater than the difference between the numbers of votes credited to the two lowest candidates shall be transferred before any surplus which is less than such difference;

(c) if there are two or more surpluses each of which is less than the difference between the numbers of votes credited to the two lowest candidates, the greatest of such surpluses shall be first transferred without regard to the count at which it arose.

(9) When two or more surpluses arise from the same count the largest shall be first dealt with and the others shall be dealt with in the order of their descending magnitude.

(10) Where two 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 number 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 he will first deal with.

Exclusion of candidate.

6. (1) If at any time no candidate has a surplus (or when under the preceding rule an existing surplus need not be and is not transferred), and one or more vacancies remain unfilled, the returning officer shall exclude the candidate credited with the lowest number of votes and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next available preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded and shall make a separate sub-parcel of the non-transferable papers. The non-transferable papers shall be set aside and not further taken into account and, for the purposes of article 28(2) of these Regulations, shall be described as non-transferable papers not effective.

(2) Where the total of the votes of the two 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 such two or more lowest candidates, provided that

(a) the number of votes credited to the second lowest candidate is greater than one-third of the quota; or

(b) where the number of votes credited to any one of such two or more lowest candidates does not exceed one-third of the quota, it is clear that the exclusion of the candidates separately in accordance with paragraph (1) of this rule and the transfer of any untransferred surplus could not result in a number of votes exceeding one-third of the quota being credited to any such candidate.

(3) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest, regard shall be had to the number of original votes credited to each of those candidates and the candidate with the smallest number of original votes shall be excluded and where the numbers of the original votes are equal, the returning officer shall determine by lot which shall be excluded.

Transfer of votes.

7. (1) Where a transfer of votes is made under rule 5 or 6 of these Rules, 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 him.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions of rule 5 of these Rules before any other candidate is excluded.

Filling of last vacancies.

8. (1) When the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates shall thereupon be deemed to be elected.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates together with any surplus not transferred, that candidate shall thereupon be deemed to be elected.

Recount.

9. (1) Any candidate or agent 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 forthwith re-examine and recount such 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. The returning officer may also at his discretion recount papers either once or more often in any case in which he is not satisfied as to the accuracy of any count; but nothing herein shall make it obligatory on the returning officer to recount the same parcel of papers more than once.

(2) The power under the foregoing paragraph of a returning officer to recount at his discretion papers in any case in which he 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.

(3) As respects each candidate, one request (and not more) may be made by him or his agent for a complete re-examination and recount of all parcels of ballot papers, and the returning officer shall forthwith re-examine and recount the parcels of ballot papers accordingly. In the re-examination and recount, the number or order of ballot papers in any parcel shall not be disturbed. Nothing in the foregoing provisions of this rule 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.

(4) Where an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him.

Declaration of the result of the poll.

10. On the completion of the counting of the votes the returning officer shall determine and declare the result of the poll and the candidates deemed to be elected shall thereupon stand elected.

Decisions of returning officer.

11. The decision of the returning officer, whether expressed or implied by his acts, on any question which arises at a count in relation to the exclusion of any candidate under rule 6 of these Rules or to any ballot paper or transfer of votes shall be final.

SEVENTH SCHEDULE

ELECTION OF MEMBERS TO THE DENTAL COUNCIL

RESULTS OF ELECTION

Date of Election	Total Electorate.....
	Total Votes Cast.....
	Invalid Votes.....
	Total Valid Poll.....
	Quota

Candidates	First Count		Second Count		Third Count		Fourth Count		Fifth Count	
	Votes	Transfer of	Result	Transfer of	Result	Transfer of	Result	Transfer of	Result	
	Votes/Surplus		Votes/Surplus		Votes/Surplus		Votes/Surplus		Votes/Surplus	
	Votes		Votes		Votes		Votes		Votes	

Non-transferable papers not effective

Total

Names of Candidates

Elected

Certified Correct
Signature of Returning Officer

Date:

GIVEN under the Official Seal of the Minister for Health this 28th day of May, One Thousand Nine Hundred and Eighty-Five.

BARRY DESMOND,

Minister for Health.

EXPLANATORY NOTE.

These regulations specify the manner in which fully registered dentists are to be elected as members of the Dental Council established under the Dentists Act, 1985 and prescribe the forms to be used in such elections.

© Government of Ireland. Oireachtas Copyright Material is reproduced with the permission of the Houses of the Oireachtas
[Accessibility Statement](#) | [Privacy Statement](#) | [Disclaimer](#)