



## **Election scheme for Members of the National Pharmacy Boards in 2024**

1. Elections
2. Interpretation
3. Returning Officer
4. Effective date
5. Places for Members on the English Pharmacy Board
6. Election of Members to places on the English Pharmacy Board
7. Places for Members on the Scottish Pharmacy Board
8. Places for Members on the Welsh Pharmacy Board
9. Election of Members to places on the Welsh Pharmacy Board
10. Periods of office
11. Eligibility for election
12. Eligibility to vote
13. Notice of election
14. Nominations
15. Election statements
16. Holding of ballot
17. Voting
18. The Scrutineer and outcome of elections
19. Casual vacancies
20. Challenges and the effect of non-compliance with this scheme



## **1. Elections**

This scheme is made by the Assembly and makes provision in respect of the election of Members to the Boards in accordance with Regulation 7.7.2 and replaces any previous scheme.

## **2. Interpretation**

In this scheme the following definitions will apply:

**‘Boards’** means the three National Pharmacy Boards referred to in these Regulations referred to respectively as "the English Pharmacy Board" or "EPB", "the Scottish Pharmacy Board" or "SPB", and the "Welsh Pharmacy Board" or "WPB"

**‘Assembly’** means the Assembly of the Society

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

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

**‘the Journal’** means The Pharmaceutical Journal;

**‘Member’** means a person in the category of Member or in the category of Fellow

**‘Membership Roll’** means the list of those Members of the Society

**‘resident’**, in relation to eligibility for membership of the Boards, means, subject to any further interpretation agreed from time to time by the Returning Officers acting jointly, resident or working in the country in question;

**‘Scrutineer’** shall be construed in accordance with paragraph 18;

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

**‘Society’** means the Royal Pharmaceutical Society of Great Britain

**‘substantive practice’** means the substantive practice as declared by the candidate;

**‘in writing’** includes any means of reproducing words in visible form

**‘voting form’** refers to ballot papers sent by post or the electronic communication sent by email containing unique voting codes transmitted securely to members.

### 3. Returning Officer

- (1) The Director for each country shall act as Returning Officer for elections to that Board under this scheme and shall be responsible for the conduct of them.
- (2) The Returning Officer shall, in consultation with the other Returning Officers and/or Scrutineer as appropriate, :
  - (a) publish guidance for candidates on the length, form and content of election statements and CVs;
  - (b) publish guidance for candidates on the use of social media and other forums and the levels of professional conduct expected from them during the election period
  - (c) specify the method, place, date and latest time for return of nominations and votes;
  - (d) determine any question as to the eligibility of any candidate to stand for election;
  - (e) determine any question as to the eligibility of any person to vote in an election;
  - (f) in the event of challenge, determine the outcome of any election;
  - (g) in the event of challenge, determine the interpretation of this scheme;
  - (h) notify the relevant Board of any Members whose term of office is due to expire and any casual vacancies that may arise;
  - (i) publish the Notice of Election;
  - (j) oversee the running of elections;
  - (k) take all reasonable steps to ensure the secrecy of the ballot and to guard against electoral malpractice;
  - (l) take all reasonable steps to ensure that the behaviour of the candidates during the election complies with the conduct requirements of the Society and ensure that the notification of any potential breaches are dealt with according to this Election Scheme or the Society's Conduct Scheme for Members as appropriate
  - (m) inform the Board and all candidates of the outcome of any election; and
  - (n) publish the result of any elections held.
- (3) The Returning Officer may request the Society to appoint bodies or persons (not being Members of a Board or the Assembly) to provide them with such administrative assistance as they considers necessary, to enable them to carry out their functions under this scheme.

The Returning Officer may consult the other Returning Officers for elections to other Boards, the Scrutineer, or other such persons as are deemed appropriate for any purpose connected with the proper exercise of their powers under this scheme including for the purpose of ensuring consistency of approach on any matter of interpretation.

- (4) In the event of a severe civil contingency, interruption of postal services, or delays caused by telecommunications and the internet used to transmit information regarding the election, the Returning Officer may vary such:
  - (a) time limits; and
  - (b) method of delivery of documents,

specified in this scheme as they consider necessary in the interests of fairness.

- (5) All decisions taken by the Returning Officer in the exercise of their functions shall be final.

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

- (1) On the advice of the Returning Officers the Assembly shall, in each year, fix a date on which Board Members elected in that year shall take office ('the effective date').
- (2) The Returning Officer shall publish the effective date on the Society's website and in the Journal, as soon as practicable after it has been confirmed by the Assembly.

#### **5. Places for Members on the English Pharmacy Board**

- (1) Eight places on the English Pharmacy Board for Members who work or live wholly or mainly in England, the Channel Islands or the Isle of Man.

#### **6. Election of Members to places on the English Pharmacy Board**

- (1) Members shall be elected to the English Pharmacy Board on a simple majority basis by ballot of Members who are resident in England, Channel Islands and Isle of Man or overseas, provided that a member resident overseas may opt to be an elector for another Board.

#### **7. Places for Members on the Scottish Pharmacy Board**

- (1) Eight places on the Scottish Pharmacy Board for Members who work or live wholly or mainly in Scotland.

#### **8. Election of Members to places on the Scottish Pharmacy Board**

- (1) Members shall be elected to the Scottish Pharmacy Board on a simple majority basis by ballot of Members who are resident in Scotland.

#### **9. Places for Members on the Welsh Pharmacy Board**

- (1) Seven places on the Welsh Pharmacy Board are for Members who work or live wholly or mainly in Wales.
- (2) The seven places shall be allocated as follows:
  - (a) One place for any eligible Member whose substantive practice is in the Primary Care sector;
  - (b) Two places for any eligible Member whose substantive practice is in the Hospital sector;
  - (c) Two places for any eligible Member whose substantive practice is in the Community sector;
  - (d) Two places shall be filled by any eligible member

## **10. Election of Members to places on the Welsh Pharmacy Board**

- (1) Members shall be elected to the Welsh Pharmacy Board on a simple majority basis by ballot of Members who are resident in Wales.
- (2) All candidates shall stand for election for the places in 9(2)(d) above. In addition, eligible candidates may be nominated for election to the sectors listed in 9(2) (a-c) above.
- (3) No candidate may be nominated for election to more than one place allocated for a Member practising in a particular sector of practice in the same election.
- (4) From amongst those candidates standing for election to the places specified in 9(2) (a-c) above, the candidate receiving the highest numbers of votes shall be elected to each place
- (5) From amongst those candidates not elected as specified in 10(4) above, the candidates who receives the highest number of votes shall be elected to the places specified in 9(2)(d).

## **11. Periods of office**

- (1) In relation to the elections to the English Pharmacy Board:
  - (a) the period of office of the first five elected Members shall expire at 23:59 on the day before the effective date in 2027. The period of office for the remaining elected members shall expire at 23.59 on the day before the effective date in 2026
  - (b) In the event that there are eight or fewer candidates, meaning an election is not required to be held to fill the vacancies, the allocation of the terms of office shall be determined by drawing of lots. This will follow the process to be used in the event of a tied vote as set out under 18(6) below:
- (2) In relation to the elections to the Scottish Pharmacy Board:
  - (a) the period of office of the first four elected Members shall expire at 23:59 on the day before the effective date in 2027. The period of office for the remaining elected members shall expire at 23.59 on the day before the effective date in 2026
  - (b) In the event that there are eight or fewer candidates, meaning an election is not required to be held to fill the vacancies, the allocation of the terms of office shall be determined by drawing of lots. This will follow the process to be used in the event of a tied vote as set out under 18(6) below:
- (3) In relation to the elections to the Welsh Pharmacy Board:
  - (a) the period of office of the newly elected Primary Care Member, the first elected Hospital, Community and any sector Members shall expire at 23:59 on the day before the effective date in 2027. The period of office for the remaining elected members shall expire at 23.59 on the day before the effective date in 2026.
  - (b) In the event that there are insufficient candidates to require an election to be held in any of the sectors (including the 'any eligible Member' sector), the allocation of the

terms of office shall be determined by drawing of lots. This will follow the process to be used in the event of a tied vote as set out under 18(6) below

- (4) If any Member of a Board ceases to be a Member of the Society they shall cease to be a Member of that Board.

#### **11. Eligibility for election**

- (1) A Member shall be eligible for election only if they are a Member or Fellow of the Society.
- (2) A retired Member of the Society shall be eligible for election.
- (3) A Member may only stand for election to one Board.
- (4) A Member shall be eligible for election to the English Pharmacy Board only if they work or live wholly or mainly in England, Channel Islands or Isle of Man.
- (5) A Member shall be eligible for election to the Scottish Pharmacy Board only if they work or live wholly or mainly in Scotland.
- (6) A Member shall be eligible for election to the Welsh Pharmacy Board only if they work or live wholly or mainly in Wales.
- (7) Any elected Member of a Board who changes their substantive practice following their election shall be eligible to serve the full term for which they were elected.
- (8) No Member shall be eligible for election if they have failed to pay by the date and time fixed for the return of nomination forms any subscription or other debt due and payable by them to the Society.
- (9) No Member shall be eligible for election if they are currently charged with a criminal offence (except where that charge is covered by the Rehabilitation of Offenders Act 1974) or have been notified by the Society or any professional, regulatory or public body that they are currently subject to investigation in relation to their conduct or competence, and the matter is unresolved.
- (10) No Member shall be eligible for election if they are employed by the Society.

#### **12. Eligibility to vote**

- (1) Subject to paragraph (4) below:
  - (a) a Member who is resident in England, Channel Islands or Isle of Man at the time the electoral roll is closed, shall be entitled to vote in the election of Members of the English Pharmacy Board;
  - (b) a Member who is resident in Scotland at the time the electoral roll is closed, shall be entitled to vote in the election of Members of the Scottish Pharmacy Board;
  - (c) a Member who is resident in Wales at the time the electoral roll is closed, shall be entitled to vote in the election of Members of the Welsh Pharmacy Board; and

- (d) a Member who is resident overseas at the time the electoral roll is closed, shall be entitled to vote in the election of Members of the English Pharmacy Board unless they have opted to be an elector of one of the other Boards.
- (2) Prior to the holding of the election, the Returning Officers shall jointly fix a date on which the electoral roll shall be considered closed.
- (3) The date fixed by the Returning Officers for the close of the electoral roll shall be before the date on which voting instructions are expected to be distributed to voters.
- (4) A person who becomes a Member of the Society after the date on which the electoral roll is closed shall not be entitled to receive a vote in that election.

### **13. Notice of election**

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

### **14. Nominations**

- (1) All nominations shall be made via the platform provided by the Returning Officer, and shall comply with the requirements of paragraph (3) below.
- (2) Only one candidate may be nominated on any nomination form.
- (3) Nominations must be submitted digitally:
  - (b) All nominations will be subject to validation of the seconders intent and so will require their email address.
- (4) A nomination form shall:

- (a) specify the candidate's known name address and membership number;
  - (b) specify whether a candidate is a current Pharmacy Board member and if so, specify the number of continuous years they have been in office
  - (c) specify the sector of practice in which the candidate currently works;
  - (d) in the case of a candidate for election to a place on the English Pharmacy Board, be accompanied by the details of ten Members (seconders) subject to verification as per 14 (3)
  - (e) in the case of a candidate for election to the Scottish Pharmacy Board, be accompanied by the details of three Members (seconders) subject to verification as per 14 (3); and
  - (f) in the case of a candidate for election to the Welsh Pharmacy Board, be accompanied by the details of one Member (a seconder) subject to verification as per 14 (3); and
  - (g) specify the known name and Membership number of the seconders specified in paragraphs (d) to (f) above.
- (5) Any candidate wishing to be nominated shall provide to the Returning Officer by the specified time:
- (a) a completed nomination form, signed by the candidate and including or accompanied by the required number of verified details of the seconders on the digital form provided
  - (b) a declaration signed by the candidate which confirms that:
    - (i) the information provided on the nomination form is correct,
    - (ii) the candidate consents to being nominated; and
    - (iii) if elected, the candidate intends to serve for a full term of office;
    - (iv) they will abide by the conduct requirements of the Society and any other general requirements of the Returning Officer throughout the election period
  - (c) a declaration, signed by the candidate:
    - (i) attesting that they are not currently charged with a criminal offence or have been notified by the Society or any professional, regulatory or public body that they are currently subject to investigation in relation to their conduct or competence; and
    - (ii) attesting that they have not received a criminal conviction or police caution nor been the subject of any finding (unless considered as spent under the Rehabilitation of Offenders Act 1974 or where there are applicable time bars under other relevant laws), penalty or censure issued by the Assembly of the Society or any professional, regulatory or public body, or any other decision by any person or body that the candidate considers relevant, or
    - (iii) setting out details and particulars of any criminal convictions (unless considered as spent under the Rehabilitation of Offenders Act 1974 or where there are applicable time bars under other relevant laws), police cautions and finding, penalty or censure issued by the Assembly of the Society or any professional, regulatory or public body received by them, and any other decision by any person or body that the candidate considers relevant;
    - (iv) that any of the events listed in section 72(1) of the Charities Act 1993 do not apply to them;



(d) a declaration of the candidate's relevant interests to cover the last 5 years, or a statement signed by them, confirming that they have no relevant interests to declare.

(6) A candidate may provide to the Returning Officer:

- (a) their election statement(s) (written and/or video) complying with paragraph 16; and
- (b) a photograph of them self, ideally taken within the previous six months
- (c) particulars of the extent and type of work undertaken by the candidate within and for the profession of pharmacy via a cv in the form of the template provided by the Returning Officer

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

(7) Nomination forms (together with accompanying material) must be submitted before the latest time specified for the submission of nomination forms and to the place and in the manner specified by the Returning Officer. Returning Officers will not accept documents that are emailed or submitted after the latest specified time.

(8) The Returning Officer can declare invalid any purported nomination which has not been properly completed, is not accompanied by the items mentioned at paragraph (4) and (5) above, is received after the specified latest time for receipt, or which in any other respect does not comply with this scheme.

(9) The Returning Officer may declare invalid any purported nomination if any of the declarations are found subsequently to be false.

(10) A nomination may be withdrawn by notice in writing or via email signed by the prospective candidate and submitted to the Returning Officer no later than the date which will be specified in accordance with 13.4(c) above.

(11) If a prospective candidate dies or ceases to be eligible for election before the date which will be specified in accordance with 13.4(c) above, the nomination shall be deemed to have been withdrawn.

(12) Upon the expiry of the latest time for receipt of nominations, the Returning Officer shall:

- (a) determine the validity or otherwise of nominations received;
- (b) inform prospective candidates as to whether or not they have been validly nominated, and where they have decided that a purported nomination is invalid, provide reasons for that decision; and
- (c) publish a list of validly nominated candidates

## **15. Election statements and CVs**

- (1) Any person standing for election may request the Returning Officer to publish an election statement (written and/or video) provided by them.
- (2) Election statements shall:
  - (a) be submitted to the Returning Officer or nominated recipient by the latest time specified for receipt of nominations; and
  - (b) not contain any falsehoods or misrepresentations, abusive or defamatory material, or material likely to incite hatred or public unrest; and
  - (c) be no longer than the specified work count for written statements or two minute duration for video statements; and
  - (d) comply with any format requirements set by the Returning Officer.
- (3) The Returning Officer shall not publish any election statement (written or video) which in their opinion:
  - (a) would amount to the commission of a criminal offence; or
  - (b) would render the Society potentially liable to civil proceedings; or
  - (c) doesn't comply with any format requirements set by the Returning Officer
- (4) The Returning Officer shall not be required to publish an election statement, which exceeds specified word count for written statements or two minutes duration for video statements.
- (5) The Returning Officer may, in consultation with the candidate, issue a statement of clarification if in his opinion any part of an election statement refers to matters outside the current functions, powers and duties of the Board.
- (6) CVs shall:
 

be provided to the Returning Officer by the latest time specified for receipt of nominations; and not contain any falsehoods or misrepresentations, abusive or defamatory material, or material likely to incite hatred or public unrest; and be no longer than the specified work count; and comply with any format requirements set by the Returning Officer.

## **16. Holding of ballot**

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

## **17. Voting**

- (1) The Returning Officer shall specify the method, place, date and latest time by which voting must be completed .
- (2) No later than 11 days before the specified date for completion of voting, the Returning Officer shall send, by email, the voting instruction, or by post if requested, to each Member entitled to vote in that election.
- (3) The voting instruction shall include ,either directly or by directing voters to a specified website where the information can be accessed:
  - (a) a list of the candidates in alphabetical order giving in respect of each candidate:
    - (i) their known name;
    - (ii) their category of membership of the Society;
    - (iii) their town or city;
  - (b) the sector of practice in which each candidate has been nominated for election (if applicable);
  - (c) the method, place, date and latest time by which votes shall be returned to the Scrutineer;
  - (d) instructions on the voting procedure.
- (4) The voting instruction shall contain details as to where the information provided by candidates under sub-paragraphs 14(3)(c) and (d) and 14(4)(c)(d) and (e) can be accessed. This information shall include a statement confirming that neither the Society nor the Returning Officer has or accepts any responsibility for the accuracy of any information, declaration or election statement provided by candidate.
- (5) The period for voting shall commence on the date on which the first unique voting codes/voting instructions in an election are dispatched by the Scrutineer.
- (6) If, after the period for voting commences, a candidate dies or is found by the Returning Officer to be ineligible to be elected or becomes ineligible to be elected, the votes cast for that candidate shall be void.
- (7) Votes shall be cast either electronically or via another mechanism provided by the Scrutineer.
- (8) Only one vote for each vacancy may be cast by each voter. The Scrutineer may replace a voting instruction on receipt of a request confirming that the original instruction has not been received or has been lost, destroyed or spoiled, and shall take such steps as are appropriate to ensure that no person may be able to vote twice in the same election.
- (9) The voter shall submit their vote in accordance with the instructions thereon. Each voter shall have as many votes as there are vacancies for which they are eligible to vote.

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

- (1) The Society may appoint a person or persons to act as Scrutineer and, if necessary, Deputy Scrutineer.

- (2) Where no person is currently appointed under paragraph (1) above, the functions of the Scrutineer shall be performed by the Returning Officer.
- (3) The function of the Scrutineer shall be to:
  - (a) preserve the integrity of the election process and take such measures as they consider necessary to guard against, and identify, electoral malpractice;
  - (b) dispatch the voting instructions;
  - (c) examine and validate votes;
  - (d) count and record votes received; and
  - (e) notify the Returning Officer of the result of the election.
- (4) Where the Scrutineer is unable, for any reason, to carry out their functions, such functions may be performed by the Deputy Scrutineer, or by the Returning Officer.
- (5) At the conclusion of the count, the Scrutineer shall prepare a report specifying:
  - (a) the total number of votes received;
  - (b) the number of votes rejected as invalid;
  - (c) the number of votes cast for each candidate;
  - (d) the names of those elected; and
  - (e) if an election has been decided under paragraph (6) below, a note to that effect.
- (6) In the event of a tie, the election shall be decided between the tied candidates by the drawing of lots conducted by the Scrutineer.

## **19 Casual vacancies**

- (1) Where an elected Board Member dies, resigns or ceases to be eligible to continue to hold office, the Secretary shall inform the Board that a casual vacancy has occurred.
- (2) A person filling a casual vacancy shall serve for the remaining period of office of the person whose departure gave rise to the vacancy. Where the remaining term of office is for more than one year the vacancy will be filled at the next election.
- (3) Where the period referred to in (2) above is less than a year the vacancy shall not, usually, be filled. Where there is a need for expertise on a particular subject at a Board meeting, a person with such expertise can be invited ad hoc to that meeting.
- (4) Where the period referred to in (2) above is greater than a year the casual vacancy will be included in the next National Board election. As described in 19 (6) below, the candidate for a casual vacancy will also stand for an 'any sector' vacancy. For an election to a sector where there is both a substantive place and a casual vacancy, the substantive places will be filled by those candidates with the most votes and the person with the next highest number of votes will fill the casual vacancy. The casual vacancy will be for the remaining term of the original, retiring Member.
- (5) For an election where there is an 'any sector' position/s to fill and where there is an additional place to be filled due to a casual vacancy, the 'any sector' substantive place/s

will be filled by those candidates with the most votes and the person with the next highest number of votes, in the relevant sector, will fill the casual vacancy and will be a Member of the Board for the remaining term of the original, retiring Member. This will take precedence over the process in 19(4).

- (6) For casual vacancies in sectors which have only one elected person, the person with the highest number of votes will be elected to fill the vacancy.
- (7) An additional Board Member can be elected, under the above process, in the event of a casual vacancy occurring between the time that the election scheme for any year is approved by the Assembly and the start of the election process.
- (8) If a casual vacancy occurs once the election process has started, in order to avoid a vacancy of more than a year, at the next election the defeated candidate (in the appropriate sector if relevant) with the highest number of votes shall be elected for the remainder of the term of the original Board Member.
- (9) In the case of a casual vacancy occurring due to a specific sector place failing to be filled by an election (e.g. two sector places are vacant and only one candidate presents), (country) Board Members will elect a Member at their next Board meeting as per the voting procedure below.

If the (country) Board considers it is necessary to fill a casual vacancy, as per the above, Board Members will be requested by the Secretary to the Board (Country Directors) to bring their nomination(s), which has/have been agreed with the nominee(s), to the next formal meeting of the (country) Board, the following voting procedure will then take place.

(10) Voting procedure

- i. Nominations for the casual vacancy will close before the first vote is taken.
- ii. A blank ballot paper will be distributed to each Board Member present.
- iii. The Board's secretary will read the names of the candidates for the casual vacancy and invite each Board Member present to write the name of their preferred candidate on the ballot paper. The papers will then be collected.
- iv. If one candidate had received the majority of the total votes cast, that person will be deemed to have been elected to the position concerned.
- v. In the event that no candidate receives a majority of all votes cast in the first ballot, the candidate receiving the lowest number of votes in that ballot will be eliminated and the procedure set out in ii-iv above will be repeated. This procedure will be repeated until one candidate receives the majority of all votes cast.
- vi. If, in any ballot in which one candidates does not receive the majority of all votes cast, two or more candidates tie with the lowest number of votes, a separate ballot involving only those candidates will be held under the procedure set out in ii-iv above to decide which of these candidates is to be eliminated.
- vii. If, when there are only two candidates for a post, there is a tie in the ballot, a further ballot will be held under the procedure set out in ii-iv above. If there is still a tie after this second ballot, the Board meeting will be adjourned for five minutes and, on its

resumption, nominations for the post concerned will again be called for. This procedure set out in ii-iv above, as appropriate, will then be followed.

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

- (1) Where the Returning Officer(s) receives any challenge to the results of an election, or any complaint or information which alleges that, or becomes of the opinion that:
  - (a) a candidate was, or has become, ineligible for election;
  - (b) a candidate submitted inaccurate or misleading declarations or statements;
  - (c) a candidate submitted a false or misleading election statement;
  - (d) a candidate committed electoral malpractice; or
  - (e) there has been a failure to comply with this scheme in a significant and material respect, they may, subject to paragraph (2) below, consider the matter.
- (2)
  - (a) The Returning Officer(s) shall not consider any challenge, or any complaint or information relating to the election that is received by them after the expiry of 28 days from the date on which the election results are published.
  - (b) The Returning Officer(s) shall not consider any challenge that is vexatious or trivial, is purely a matter of personal disagreement or has been brought with the sole aim of deliberately preventing an individual from standing for office or taking up their office if elected
- (3) Before taking any action in relation to a challenge, complaint or information relating to an election, the Returning Officer(s) shall:
  - (a) provide details of the challenge, complaint or information to the candidate(s) concerned; and
  - (b) afford the candidate(s) concerned the opportunity to make representations on the allegations and on any subsequent action to be taken by the Returning Officer(s).
- (4) Upon considering any representations received from the candidate(s) concerned, the Returning Officer(s) may take such action as they consider necessary in the interests of fairness and all the circumstances of the case, which may include:
  - (a) declaring the results of any candidate, or of the whole election, a nullity;
  - (b) disqualifying a candidate or candidates;
  - (c) rerunning any ballot or election.
- (5) Before taking any action in accordance with the above paragraphs, the Returning Officer(s) may take further steps to investigate the matter, and may seek legal advice.
- (6) The election held under this scheme shall not be invalidated by reason solely of any non-compliance with, or the non-delivery or loss of any document required under, this scheme, if it appears to the Returning Officer that the election was conducted substantially in accordance with this scheme, and that the result of such non-compliance, non-delivery or loss did not affect the return of any candidate at the election.

- (7) The decision of the Returning Officer in relation to any challenge to, or complaint or information concerning, the election, shall be final.