1981 No. 10

EDUCATION

Controlled Integrated Schools (Parents' Meetings) Regulations (Northern Ireland) 1981

Made . . . . . : *14th January 1981*

Coming into operation . . . *1st March 1981*

The Department(**a**) of Education, in exercise of the powers conferred on it by Article 125(1) of and paragraph 2(*a*) of Schedule 4A(**b**) to the Education and Libraries (Northern Ireland) Order 1972(**c**) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Controlled Integrated Schools (Parents' Meetings) Regulations (Northern Ireland) 1981 and shall come into operation on 1st March 1981.

Interpretation

2. In these regulations—

"board" means the board responsible for appointing the school management committee for the management of a controlled integrated school;

"meeting" means a meeting held by the parents of the pupils attending a controlled integrated school for the purposes set out in paragraph 2(*a*) of Schedule 4A to the Order;

"the Order" means the Education and Libraries (Northern Ireland) Order 1972.

Time and place of meeting

3. A meeting shall be held on such day and at such time and place as in the opinion of the board is most convenient for the parents of the pupils attending the controlled integrated school. Seven days notice at least of the day, time and place of the meeting shall be given to such parents by recorded delivery post.

Quorum and election of the chairman

4. The quorum of a meeting shall be either one-tenth of the number of the parents entitled to attend such a meeting or 50 of such parents whichever of such figures is the smaller. The parents who are present at the meeting shall elect one of the parents present to be chairman of that meeting.

Appointment and duties of clerk and assistants

5.—(1) The board shall appoint a person to act as clerk to each meeting. The person so appointed shall—

(*a*) inform the parents present at the meeting of the number of persons to be nominated by them to the school management committee;

(*b*) where under regulation 6 a vote is required, carry out the duties set out in the Schedule; and

(*c*) make to the board a report of the proceedings of the meeting.

(**a**) Formerly Ministry: *see* Northern Ireland Constitution Act 1973 (c. 36) s. 40 and Sch. 5 para. 8(1)
(**b**) Inserted by 1978 c. 13 s. 2
(**c**) S.I. 1972/1263 (N.I. 12) as amended by S.I. 1976/58 (N.I. 2) S.I. 1978/1040 (N.I. 10) and 1978 c. 13

(2) The board may appoint such number as it considers necessary of persons to assist the person appointed pursuant to paragraph (1) to act as clerk in the carrying out of the duties imposed on him set out in the Schedule.

Selection by and procedure for voting

6.—(1) Where at a meeting there are more persons proposed for nomination than the number of persons to be nominated thereat the parents who are present at the meeting shall by vote select the persons for nomination at that meeting.

(2) The method of voting at a meeting and the method of counting and transferring votes cast at a meeting shall be the respective method therefor set out in the Schedule.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 14th January 1981.

(L.S.) *K. Clark*

Assistant Secretary

SCHEDULE Regulations 5 and 6(2)

Methods of (*a*) voting and (*b*) counting and transferring votes

PART I
Conduct of the Poll

Ballot papers

1. One ballot paper shall be distributed by the clerk to each parent who is present at the meeting and who wishes to vote.

Procedure before voting

2. Before voting commences the clerk shall read to the parents who are present at the meeting the names of all the persons who have at the meeting been proposed for nomination and each parent who is present and who wishes to vote shall enter on his ballot paper the name of each person proposed for nomination.

Voting procedure

3. After the names of all persons proposed for nomination have been read each parent who wishes to vote shall forthwith—

(*a*) record his vote by placing on his ballot paper the figure 1 opposite the name of the person for whom he votes and in addition, if he so wishes, by placing the figure 2 opposite the name of the person of his second choice, the figure 3 opposite the name of the person of his third choice and so on in the order of his preference among the persons who have been proposed for nomination;

(*b*) fold his ballot paper so that his vote as recorded thereon is concealed from view; and

(*c*) hand the folded ballot paper to the clerk.

Spoiled ballot papers

4.—(1) A parent who wishes to vote and who has unintentionally spoiled his ballot paper shall, on delivering the spoiled ballot paper to the clerk and satisfying the clerk that he did not intend to spoil his ballot paper, be furnished by the clerk with another ballot paper in substitution for the spoiled ballot paper so delivered.

(2) For the purposes of this paragraph a ballot paper shall be treated as spoiled if a parent who wishes to vote—

(*a*) adds to the ballot paper any writing or symbol such as would enable him to be identified; or

(*b*) marks his ballot paper other than in accordance with paragraph 3(*a*); or

(*c*) damages his ballot paper in such a manner that it cannot conveniently be used as a ballot paper.

Incapacitated voters

5.—(1) Where a parent who wishes to vote states to the clerk that by reason of his total or partial blindness, defective vision, other physical disability or illiteracy he is unable to read his ballot paper or without assistance to record his vote in accordance with this Schedule, the clerk shall—

(*a*) enter on a ballot paper the name of each person proposed for nomination at the meeting;

(*b*) deliver the ballot paper to such parent wishing to vote; and

(*c*) mark the ballot paper as instructed by such parent wishing to vote, taking such steps as the clerk thinks necessary to ensure the secrecy of the marking of that ballot paper.

PART II
Counting of the votes and return of persons nominated

Definitions

6. In this Part—

"candidate" means a person proposed for nomination at the meeting;

"candidate's vote" means the value of voting papers credited to a candidate at any stage of the count;

"continuing candidate" means any candidate not deemed to be nominated and not excluded;

"count" means all the operations involved in the counting of the first preferences recorded for candidates, the transfer of the surpluses of nominated candidates, and the transfer of the votes of excluded candidates;

"deemed to be nominated" means deemed to be nominated 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 as follows:— 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 whose name is drawn shall be the candidate—

(i) who is next excluded; or

(ii) whose surplus is next transferred, as the case may be;

"mark" means a figure, a word written in the English language 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, but 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 clerk, indicate the same order of preference and are next in order of preference; or

(*b*) the name of the candidate next in order or preference (whether a continuing candidate or not) is marked with a mark which, in the opinion of the clerk, 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 the figure "1" or any mark which, in the opinion of the clerk, clearly indicates a first preference;

"second preference" means the figure "2" or any mark which, in the opinion of the clerk, clearly indicates a second preference standing in succession to a first preference;

"third preference" means the figure "3" or any mark which, in the opinion of the clerk, 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 clerk, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preference next in order on the ballot paper for candidates already deemed to be nominated 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;

"stage of the count" means the determination of—

(*a*) the first preference vote for each candidate "the first stage"; or

(*b*) the transfer of a surplus of a candidate deemed to be nominated; or

(*c*) the exclusion of one or more candidates at the same time;

"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.

Conduct of the counting of the votes

7. The clerk 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 this Schedule, ascertain and record the number of votes given to each candidate.

Invalid ballot papers

8.—(1) Any ballot paper—

(*a*) on which the figure 1 standing alone is not placed so 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; or

(*d*) which is void for uncertainty;

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 clerk, clearly indicates a preference or preferences.

(2) The decision of the clerk on any question arising in respect of a ballot paper shall be final.

First stage

9.—(1) The clerk shall, after rejecting any that are invalid, arrange the ballot papers in parcels according to the first preferences recorded for each candidate.

(2) The clerk 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 that candidate and he shall then ascertain the number of all valid papers.

(3) The number of first preferences votes for each candidate shall then be recorded on the result sheet.

The quota

10.—(1) The clerk shall then divide the number of valid papers by a number exceeding by one the number of persons to be nominated.

(2) The result, increased by one, of the division under sub-paragraph (1) (any fractional remainder being disregarded) shall be the number of votes sufficient to secure the nomination of a candidate (in this Schedule referred to as "the quota").

Transfer of surplus

11.—(1) Where at the end of any stage of the count the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with 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 nominated according to the next available preferences recorded thereon.

(2) Where the votes credited to a candidate whose surplus is to be transferred consist of original votes only, the clerk 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 for continuing candidates recorded thereon.

(3) Where the votes credited to a candidate whose surplus is to be transferred consist of original and transferred votes, or of transferred votes only, the clerk 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 preferences for continuing candidates recorded thereon.

(4) In either of the cases referred to in sub-paragraphs (2) and (3) the clerk 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—

(*a*) at any stage of the count two or more of the candidates have surpluses, the largest surplus shall be transferred first;

(*b*) the surpluses determined in respect of two or more candidates are equal, the surplus of the candidate who had the highest recorded vote at the earliest preceding stage at which they had unequal votes shall be transferred first; and

(*c*) the votes credited to two or more candidates were equal at all stages of the count, the clerk shall determine by lot which surplus is to be transferred first.

(6) In transferring the surplus of any candidate deemed to be nominated each ballot paper of that candidate shall be transferred either—

(*a*) at a calculated value equal to the total of the surplus divided by the number of transferable papers, the calculation being made to two decimal places (ignoring the remainder if any); or

(*b*) at the value at which such a paper had been received by the candidate from whom it is being transferred;

whichever is the less.

(7) All papers transferred in accordance with the provisions of sub-paragraph (6) shall be clearly marked with the transfer value accorded to each paper either singly or as a sub-parcel of such transferred papers.

(8) The clerk in carrying out such a transfer of a surplus shall at each such stage enter on the nomination result sheet the value of the papers transferred to each continuing candidate.

(9) In carrying out a transfer under sub-paragraph (6), the clerk shall add the value of transferred papers to the previous vote recorded in each case and then determine and record on the result sheet the new total vote received by each candidate at that stage of the count.

(10) The clerk shall also—

(*a*) enter on the result sheet as non-transferable votes the difference between the surplus and the total value of the transferred papers; and

(*b*) add that difference to the recorded total of the previous non-transferable vote.

(11) At each stage of the count when a transfer of a surplus has been effected the clerk shall reconcile from his result sheet the total of votes at that stage credited to all candidates, together with the total non-transferable vote, with the already determined total valid vote.

(12) When at any stage the transfer of a surplus has been effected and the procedures at sub-paragraphs (8) to (11) have been completed, the clerk shall deem to be nominated any candidate whose total vote, at that stage, then equals or is in excess of the declared quota.

(13) The transfer of a surplus constitutes a further stage in the count.

(14) The clerk shall, subject to sub-paragraph (15), proceed to transfer surpluses until no surplus remains to be transferred.

(15) A surplus shall not be subject to transfer where that surplus, together with any other surpluses at that particular stage of the count not already transferred, is—

(*a*) less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote; or

(*b*) less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total numbers of votes and the candidate next above such candidates.

Exclusion of candidate

12.—(1) If, after completion of the transfer of surpluses in accordance with paragraph 11, one or more vacancies remain to be filled, the clerk shall exclude at that stage of the count the candidate then credited with the lowest vote.

(2) Where a candidate is excluded in accordance with sub-paragraph (1), the clerk shall then arrange the papers attributed at that stage to that candidate in sub-parcels according to their transfer value.

(3) The clerk shall then examine the sub-parcel of papers with the highest transfer value and transfer the papers in it, examine the sub-parcel with the next highest transfer value and transfer those papers and so deal with each sub-parcel.

(4) The papers in each sub-parcel shall be sorted and transferred at the value at which they were received in accordance with the next available preference expressed on the papers for the

continuing candidates, passing over preferences for candidates who at such a stage have either been deemed to be nominated or have been excluded.

(5) Any papers on which no next available preferences have been expressed shall be then set aside as non-transferable papers.

(6) After the transfer of papers of any one transfer value the clerk shall deem to be nominated any candidate whole total vote equals or is in excess of the quota.

(7) When the procedures required at sub-paragraphs (1) to (5) have been completed and all sub-parcels of papers of an excluded candidate have been transferred, the clerk shall record on the result sheet the total value of the papers transferred to each continuing candidate, adding such totals to the candidate's previously recorded total vote in each case, thus determining the new total vote for each continuing candidate at that stage.

(8) The clerk shall then record on the result sheet the value of the non-transferable papers and add such total to the previous non-transferable papers total.

(9) The total number of votes at that stage of the count credited to all candidates, together with the total of the non-transferable vote, shall be reconciled with the total valid vote.

(10) Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the clerk shall in one operation exclude such two or more candidates.

(11) If, when a candidate has to be excluded under this paragraph, two or more candidates have each the same number of votes and are lowest—

(*a*) regard shall be had to the total numbers of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded; and

(*b*) where the numbers of votes credited to those candidates were equal at all stages, the clerk shall determine by lot which candidate shall be excluded.

(12) The exclusion of a candidate, or two or more candidates together constitutes a further stage in the count.

Transfer of votes

13.—(1) Where the transfer of votes is made under paragraph 11 or 12 each sub-parcel of papers transferred (marked as to the transfer value) 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 total number of votes equal to the transferred value of the papers transferred to him.

(2) If after any transfer of votes a candidate has a surplus that surplus shall be dealt with in accordance with and subject to paragraph 11 before any other candidate is excluded.

Filling of last vacancies

14.—(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates shall thereupon be deemed to be nominated.

(2) Where only one vacancy remains unfilled and the votes of some one continuing candidate are equal to or greater than the total of votes credited to another or other continuing candidates together with any surplus not transferred, that candidate shall thereupon be deemed to be nominated.

(3) Where the last vacancies can be filled under this paragraph, no further transfer of votes shall be made.

Recount

15.—(1) The clerk on completion of each stage of the count shall, before proceeding with the next stage involved, inform all the candidates then present of his intention, subject to a request for a recount, to proceed to the next stage.

(2) Before the clerk so proceeds, any candidate may request that a recount be undertaken of the immediate preceding stage.

(3) If a request is made under sub-paragraph (2), the clerk shall then proceed to carry out the recount of the immediate preceding stage, but if no such request is made, he shall proceed with the next subsequent stage of the count.

(4) The clerk may also, if he thinks fit, recount papers either once or more often if he is not satisfied as to the accuracy of any stage.

(5) Nothing in this paragraph shall require the clerk to recount the same parcel or sub-parcel more than once.

(6) Where as a result of a recount an error is discovered, the clerk shall, where necessary, amend any results previously announced by him.

Declaration of the result of the poll

16. On the completion of the counting of the votes the clerk shall declare the result of the poll and the candidates deemed to be nominated shall thereupon stand nominated.

Decisions of the clerk

17. The decision of the clerk, whether expressed or implied by his acts, on any question which arises in relation to the exclusion of any candidate under paragraph 12 or to any ballot paper or transfer of votes shall be final.

Return of persons nominated

18. The clerk shall include in his report to the board of the proceedings of the meeting the names of the persons nominated at the meeting for appointment to the school management committee.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations made provision for the holding of meetings of parents of pupils attending a controlled integrated school for the purpose of nominating persons to represent such parents on the school management committee of that school.