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.