L.N. 35 of 2004

HEALTHCARE PROFESSIONS ACT, 2003.
(ACT. NO. XII of 2003)

Medical Council (Elections) Regulations, 2004.

IN exercise of the powers conferred by article 51(1)(f) of the Health Care Professions Act 2003, the Minister of Health has made the following regulations:-

Title and commencement.

1. (1) The title of these regulations is the Medical Council (Elections) Regulations, 2004.

(2) These regulations shall come into force on the 20th January, 2004.

Definitions.

2. In these regulations, unless the context otherwise requires –

"Council" means the Medical Council;

"President" means the President of the Council;

"the Commission" means the Medical Council Elections Commission established by Regulation 3 of these regulations;

"Registrar" means Registrar of the Council.

Elections Commission.

3. (1) There shall be established a Commission, to be called the Medical Council Elections Commission composed of three election commissioners.

(2) The Council shall, in January of each year, appoint a Commission, bearing the same name and composed of the same number of commissioners to conduct the election to the said Council for that year.

Nomination of candidate.

4. The Commission shall by the end of January 2004, cause a notice to be published in the Gazette and in all local daily newspapers, specifying the place, days and times during which nominations of

candidates for the election to the Council will be received by the Registrar.

Notice of candiditure to be published.

5. (1) When the Commission is informed by the President that a vacancy occurs amongst the elected members of the Council, it shall as soon as may be, cause a notice to be published in the Gazette, and all local daily newspapers, specifying the place, days and times during which nominations of candidates for election to the Council will be received by the Commission

(2) A candidate shall be nominated in writing on a form in accordance with the specimen contained in the First Schedule to these regulations. Whatever the number of vacancies to be filled, no person shall be nominated to fill in more than one vacancy.

Holding of an election.

6. (1) If the nominations received exceed the number of vacancies on the Council, an election shall be held.

(2) The Commission shall, within three working days after the closure of nominations, send a ballot paper to all medical practitioners and dental surgeons resident in Malta registered with the Council and shall inform voters of the method of voting as well as the place where, and the time by which the ballots are to be returned to the Commission.

(3) The ballot paper to be used for the purpose of the election shall be in accordance with the specimen contained in the Second Schedule to these regulations, and shall be signed by a member of the Commission.

Manner of voting.

7. A voter shall record his vote by placing a cross against the name of the candidate for whom he votes.

Expiration of voting time.

8. Votes shall not be accepted after the expiration of the time fixed by the Commission for the receipt of such votes.

Counting of votes.

9. The Commission shall count the votes immediately after the expiration of the time mentioned in the preceding regulation.

Invalid votes.

10. When, on the ballot paper, there is registered a larger number of votes than is required, the ballot paper shall be declared invalid by the Commission.

Elected candidates.

11. The candidates who obtain the largest number of votes shall be declared elected by the Commission.

Partial elections.

12. If two or more candidates obtain an equal number of votes, a partial election amongst those candidates shall be held in accordance with the provisions of this regulation.

Reporting of result.

13. The Commission shall immediately report the election result to the Minister responsible for health, and the said result shall be published in the Gazette.

Decision of the Commission.

14. The decision of the Commission on the validity of any nomination, the right of a person to cast the vote, the place where the votes are received and the result of the election, is final and conclusive.

Repeal Legal Notice 411 of 2003.

15. The Medical Council (Elections) Regulations, 2003, is hereby repealed.

FIRST SCHEDULE

Nomination Form for Candidates for Election to the Medical Council

We, the undersigned, being voters entitled to vote at an election of the Medical Council for

(a) five licensed medical practitioners at least one of whom must be a hospital based specialist and another a general practitioner
(b) two licensed dental surgeons

do hereby nominate ..... (**)

registered in the .....(**)
(Register)

and whose address is .....(**)
as a candidate for the said election.

Proposer: Name .....
(Block Letters)

Signature ..... Date .....

Registered in the .....

Seconder: Name .....
(Block Letters)

Signature ..... Date .....

Registered in the .....

DECLARATION BY PERSON NOMINATED

I, ... whose name appears
(full name in block letters)

on the ..... accept the above nomination.
(Register)

Date ....
Candidate's signature

(**) In block letters

SECOND SCHEDULE

Ballot Paper

FOR USE BY .....

VOTING FOR ELECTION OF A CANDIDATE TO THE MEDICAL COUNCIL

Names of Candidates (in alphabetical order)	Place a cross in this part against the name of the candidate for whom you wish to vote

VOTE FOR ..... CANDIDATE(S) (only)

Signature of Election Commissioner .....

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