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S.I. No. of 2015

**PHARMACEUTICAL SOCIETY OF IRELAND (COUNCIL) (AMENDMENT)
RULES 2015**

The Council of the Pharmaceutical Society of Ireland, in exercise of the functions conferred on the said Society by section 11 of the Pharmacy Act 2007 (*No. 20 of 2007*), hereby makes the following rules:—

Citation

1. These Rules may be cited as the Pharmaceutical Society of Ireland (Council) (Amendment) Rules 2015.

Commencement

2. These rules shall come into force on 1 April 2015.

2. The Pharmaceutical Society of Ireland (Council) Rules 2008 (*S.I. No. 492 of 2008*) are amended by –

- (a) substituting the following for Rule 14:

“Establishment of a panel for the filling of certain vacancies on Council

14. (1) Subject to paragraphs (2) and (3), at the conclusion of the count the returning officer shall contemporaneously establish, in accordance with this Rule, and publish on the Society’s website a list of persons to be included in a panel, which panel shall be valid for four years from the date of its establishment or until the panel is replaced by a new panel following an election in accordance with this Part, whichever is the earlier date.

- (2) The panel established in paragraph (1) shall contain the names of those persons deemed not to have been elected, pursuant to Rule 13 for the purposes of section 10(3)(f) of the Act, in decreasing order based on the total number of votes cast for each candidate, and where two candidates have received an equal total number of votes, the order shall be decided having regard to the total number of votes credited to such candidates at the first count at which they had an unequal number of votes, with the candidate having the greatest number of votes at that count being assigned to the higher position on the panel.

- (3) No person shall be included in a panel, and accordingly deemed to have been selected by the members of the Society as being eligible for appointment to the Council, unless he or she has obtained not less than 20% of the vote calculated on the basis of the number of votes held when the count concluded against the quota established for the particular election.

(b) substituting the following for Rule 17:

“Procedure for election of President and Vice-President of Council

17. (1) The election of a President and Vice-President of the Council shall take place at the first Council meeting which shall be held as soon as practicable after the 22nd of May in each year and the holding of an election shall ordinarily be the first item on the agenda of the meeting concerned.
- (2) A separate election shall be conducted for each of the posts of President and Vice-President and the said elections shall be conducted by secret postal ballot and the result decided by simple majority except in the case of a tied vote between two candidates, where the outcome shall be decided by means of the drawing of lots.
- (3) At the last meeting of the Council held before the 22nd of May in each year, the Council shall appoint a presiding officer, and an alternate presiding officer who is available to act in the event that the presiding officer is not in a position to act and neither of whom shall be members of the Council.
- (4) Not later than 21 working days in advance of the date of the first Council meeting to be held after the 22nd of May in each year, the presiding officer shall advise each member of the Council who is in office, or who is to be in office on the date of the said meeting, of the imminent expiry of the term of office of the current holders of the offices of President and Vice-President, and enclose a form so as to enable him or her to submit a nomination for either of those posts should he or she wish to do so. Any such completed form shall have been received by the presiding officer not later than twelve noon, 10 working days before the date of the meeting.
- (5) A member of the Council, being a member of the Society, wishing to stand for election as President or Vice-President, shall provide to the presiding officer—
 - (a) an undertaking of his or her willingness to serve as President or Vice-President, as the case may be, if elected,
 - (b) a declaration that he or she understands the purposes and functions of the Society and the rules governing the operation of the Council, and
 - (c) a personal statement including a declaration of the policies that he or she would propose to pursue, if elected,and, in so doing, shall be entitled to submit a nomination on his or her own behalf.
- (6)(a) When an election for the offices of either the President or the Vice-President is to be held, the presiding officer shall, not later than seven working days in advance

of the date of the Council meeting at which the election is to take place, send either by post or electronically, to each member of the Council who is to be in office on the date of the said meeting, a ballot paper containing the information set out in paragraph (2).

(b) The ballot paper shall include—

- (i) a list of candidates in alphabetical order,
- (ii) the personal statement submitted by each of the candidates, including the declaration of the policies that he or she would propose to pursue, if elected to the particular office concerned; and
- (iii) a statement that the ballot papers shall be returned to the presiding officer in accordance with the instructions set out in subparagraphs (d) and (e) below or placed personally in the ballot box before the commencement of the Council meeting at which the elections are to take place.

(c) The presiding officer shall ensure that the system of issue, return and custody of the ballot papers is such as to protect the validity, integrity and confidentiality of the election process.

(d) The following instructions shall be included with the ballot papers—

- (i) that the completed ballot paper is to be placed within an inner envelope, which is to be duly sealed and which shall be clear of any markings other than a pre-printed marking indicating that the ballot paper is to be placed inside it, and
- (ii) that the sealed inner envelope is to be placed within an outer cover envelope, upon which the voter is to, in the spaces provided—

(A) write his or her name as it appears on the Register of Pharmacists,

and

(B) sign and date the envelope.

(e) Unless the completed ballot papers are to be personally placed in the ballot box before the commencement of the Council meeting at which the election is to take place, the said papers shall be returned to the presiding officer to be received by him or her at the address nominated by him or her, as specified on the outer cover envelope, not later than 5.00 p.m. on the day before the day of the election.

(7) In the event that no nominations are received by the presiding officer in advance of the Council meeting at which an election is due to take place and notwithstanding paragraph (4), nominations may be accepted on the day of the said meeting and notwithstanding Rule 19(2), the election shall proceed on the basis of the votes cast by the members of the Council present at the meeting.

- (8) The counting of votes for the election of President or of Vice-President shall be carried out by the presiding officer during the Council meeting at which the election is taking place.
- (9) On the conclusion of the count, the presiding officer shall declare the names of those candidates deemed to be elected as President or, as the case may be, as Vice-President and those persons thereby elected shall immediately take up their respective offices. The presiding officer shall give written notice of the names to the Minister and shall also publish the names on the Society's website..

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These rules amend the Pharmaceutical Society of Ireland (Council) Rules 2008 (*S.I. No. 492 of 2008*) for the purpose of enabling all members of the Council of the Society to participate in the election of the President and Vice-President, including by postal ballot. They set out the procedures for the conduct of such elections.

The rules also establish arrangements for the formation of a panel of pharmacist candidates who are deemed to have been selected by the members of the Society as being eligible for appointment to the Council in the event that casual vacancies arise in the membership of the Council and provided that the candidates concerned have obtained not less than 20% of the vote calculated on the basis of the number of votes held when the count concluded against the quota established for the particular election.