



STATUTORY INSTRUMENTS.

S.I. No. 420 of 2023



TEACHING COUNCIL (ELECTION OF MEMBERS) REGULATIONS 2023

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The Teaching Council, in exercise of the powers conferred on it by sections 4 and 10 of the Teaching Council Act 2001 (No. 8 of 2001) (as adapted by the Education and Skills (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 450 of 2020)), with the consent and approval of the Minister for Education, hereby makes the following regulations:

Citation

1. These Regulations may be cited as the Teaching Council (Election of Members) Regulations 2023.

Interpretation

2. In these Regulations—

“Act” means the Teaching Council Act 2001 (No. 8 of 2001);

“Agent” means a person appointed as an agent and whose appointment is notified to the Returning Officer in writing in accordance with Regulation 13;

“Candidate” means an Elector in respect of whom a nomination has been received pursuant to Regulation 8(2), which nomination has been ruled to be valid by the Returning Officer in accordance with Regulation 9;

“Council” means the Teaching Council;

“Deputy Returning Officer” means a person appointed under Regulation 4(3) by the Returning Officer in relation to an Election;

“Election” means an election of Candidates to the Council pursuant to, and in accordance with, section 8(2)(a) and (b) of the Act and these Regulations;

“Election Year” means the period of 12 months preceding 27 March 2016, and thereafter shall mean the period of 12 months preceding the date specified by the Minister, when appointing members elected in accordance with these Regulations or the Regulations of 2008 under section 8 of the Act, as the date on which the term of office of a member shall end;

“Elector” means a person whose name is entered in the Electoral Roll;

“Electoral Category” means a category of Electors specified in Regulation 14(1);

“Electoral Roll” means the roll formed under Regulation 6;

“electronic voting system” means a voting system approved by the Council in accordance with Regulation 16(1);

“Eligible Teacher” means a person whose name is on the Register no later than 30 September in any Election Year, and who is employed in, or qualified to teach in, a Recognised Primary School or Recognised Post-Primary School;

“Geographical Constituency” means a geographical constituency referred to in Regulation 14(2);

“Minister” means the Minister for Education;

“Notice of Election” means a notice of election published in accordance with Regulation 7;

“Poll” means a ballot among Electors in a Geographical Constituency;

“Recognised Primary School” and “Recognised Post-Primary School” have the respective meanings assigned by the Act;

“Register” has the meaning assigned by the Act;

“Regulations of 2008” means the Teaching Council (Election of Members) Regulations 2008 (S.I. No. 386 of 2008), as amended by the Teaching Council (Election of Members) (Amendment) Regulations 2011 (S.I. No. 607 of 2011);

“Regulations of 2016” means the Teaching Council (Registration) Regulations 2016 (S.I. No. 444 of 2016), as amended by the Teaching Council (Registration) (Amendment) Regulations 2023 (S.I. No. 12 of 2016);

“Teacher Registration Number” means the registration number assigned to an Eligible Teacher pursuant to section 29(3)(a)(v) of the Act;

“Returning Officer” means a person appointed under Regulation 4 to be the returning officer in relation to an Election.

Conduct of Election

3. (1) An Election shall be conducted in accordance with these Regulations.

(2) Any document provided for under these Regulations which has been translated into the Irish language and approved in writing by the Returning Officer is valid for the purposes of an Election.

(3) The forms set out in Schedules 2, 3, and 4 shall be used as far as practicable in the conduct of Elections, but a deviation from those forms shall not, by reason only of the deviation, make any application, nomination, consent, vote or declaration, as the case may be, invalid.

Returning Officer

4. (1) The Returning Officer shall be appointed by the Council on such terms and conditions as the Council sees fit.

(2) No person shall be eligible to be appointed as Returning Officer in respect of an Election who is at that time an Eligible Teacher, or who is or has been —

- (a) an Agent of a Candidate at that Election, or
- (b) otherwise associated in furthering the candidature of a Candidate at that Election.

(3) Subject to paragraph (4), the Returning Officer may appoint in writing one or more than one person to be Deputy Returning Officer or Officers and may delegate to any such Deputy Returning Officer any of the functions of the Returning Officer that may be specified in the appointment.

(4) If the Returning Officer is not otherwise an employee or agent of the Council, any appointment or delegation made by him under paragraph (3) must be made in consultation with, and with the consent of, the Director of the Council.

(5) The Returning Officer may at any time amend or revoke the appointment of a Deputy Returning Officer, and for the avoidance of doubt, any delegation made by the Returning Officer to a Deputy Returning Officer shall terminate at the time of the revocation of the appointment of that Deputy Returning Officer, but the amendment or revocation of the appointment of a Deputy Returning Officer shall not affect the validity of any actions carried out by that Deputy Returning Officer prior to that amendment or revocation.

(6) A Deputy Returning Officer shall have all the rights and be subject to all the duties and liabilities of the Returning Officer in relation to the functions for which that Deputy Returning Officer is appointed.

(7) The Returning Officer may employ as an employee, appoint to a position other than that of employee, enter into contract with or otherwise retain the services of one or more persons to assist in carrying out the functions of the Returning Officer or of any Deputy Returning Officer.

(8) The Returning Officer shall not, for any purpose relating to the Election, employ, appoint or otherwise retain the services of any person who, to the knowledge of the Returning Officer, is an Eligible Teacher, or who is or has been —

- (a) an Agent of a Candidate at that Election, or
- (b) otherwise associated in furthering the candidature of a Candidate at that Election.

(9) In these Regulations, any reference to the Returning Officer in relation to any act, matter or function for which a Deputy Returning Officer is appointed by or under this Regulation shall, unless the context otherwise requires, be interpreted as a reference to the Deputy Returning Officer.

(10) The reasonable expenses of the Returning Officer and of any Deputy Returning Officer in relation to the conduct of the Election shall be defrayed by the Council.

(11) On the request of the Returning Officer for an advance on account of his or her expenses relating to the conduct of the Election, the Council may make an advance on terms that it considers appropriate.

General Powers of Returning Officer

5. (1) Subject to these Regulations, the Returning Officer is responsible for the conduct of the Election and his or her decisions on all matters arising (including without limitation decisions with regard to the Electoral Roll, or the validity of an application, nomination, declaration of identity, or vote), or on any question (including without limitation in relation to the exclusion of any Candidate, or to any vote or transfer of votes) which arises at a count, or otherwise in connection with any Election, are final and binding.

(2) The Returning Officer may require the Council to give to the Returning Officer such information as the Returning Officer deems necessary for the purposes of an Election and the performance of the functions of the Returning Officer.

(3) No Election held under these Regulations shall be invalidated by reason of any misdescription or non-compliance with the provisions of these Regulations or by reason of any miscount or of the non-delivery or loss in the course of sending by post any document required under these Regulations to be despatched by post, if it appears to the Returning Officer that the Election was conducted substantially in accordance with the provisions of these Regulations, and the result of such misdescription, non-compliance, miscount, non-delivery or loss did not substantially affect the result of the Election.

(4) The Returning Officer shall arrange for all documents relating to the Election received by him or her to be retained by or on behalf of the Council for not less than 12 months after the completion of the Election at the expiration of which they shall be disposed of in such manner as the Council shall direct.

Formation of Electoral Roll

6. (1) In every Election Year the Returning Officer shall cause to be formed, based on the information set out in the Register at 5 pm on 30 September in that Election Year, an Electoral Roll containing the name, Teacher Registration Number and where applicable, the school address and school roll number of every Eligible Teacher.

(2) When forming the Electoral Roll, the Returning Officer shall:

- (a) as far as practicable allocate each Eligible Teacher to the appropriate Electoral Category, as set out in Regulation 14, having regard to the Register. The Returning Officer shall have discretion to determine the most appropriate Electoral Category for each Eligible Teacher, and will endeavour to adhere to the following approach:

- (i) where details of the Eligible Teacher's employment are retained, the Electoral Category which best accords with where that Eligible Teacher is employed;
 - (ii) where details of the Eligible Teacher's employment are not retained, the route of registration pursuant to the Regulations of 2016 which applies to the Eligible Teacher;
 - (iii) where the Returning Officer is not of the view that the Eligible Teacher's route of registration appropriately determines the most appropriate Electoral Category, any other information retained on the Register which assists, such as, for example, the Eligible Teacher's qualifications; and
 - (iv) in default of an allocation being made in respect of an Eligible Teacher having regard to the foregoing, the Returning Officer shall then allocate that Eligible Teacher to an Electoral Category by lot and in proportions that correspond as far as practicable to the numbers of Electors in each Electoral Category. In doing so, the Returning Officer may have regard to whether the Eligible Teacher is employed in or qualified to teach in a recognised primary school or recognised post-primary school and, if the latter, will allocate by lot within Categories 2, 3 and 4 (as described in Regulation 14) and in proportions that correspond as far as practicable to the numbers of Electors in each of those Electoral Categories; and
- (b) as far as practicable allocate each Eligible Teacher to a Geographical Constituency on the basis of the address retained by the Teaching Council of the recognised school in which that Eligible Teacher is employed. Where the address of the recognised school where an Eligible Teacher is employed is not available, or where an Eligible Teacher is not employed by a recognised school, an Eligible Teacher shall be allocated to a Geographical Constituency on the basis of the correspondence address of that Eligible Teacher, provided that such address is an address in the State. Where the Returning Officer has reason to believe an Eligible Teacher is living outside the State, or where none of the preceding criteria apply, the Returning Officer shall allocate such Eligible Teacher to a Geographical Constituency by lot.

(3) Each Eligible Teacher having been allocated to an Electoral Category and a Geographical Constituency pursuant to paragraph (2), the Electoral Roll shall be set out by Electoral Category, and within that division, shall be set out by Geographical Constituency.

(4) Only an Elector shall be eligible to seek nomination to be a Candidate, nominate a Candidate, be a Candidate or vote in an Election, and in each case that eligibility shall only apply in respect of the Geographical Constituency and Electoral Category in which the Elector is entered in the Electoral Roll.

Amendment of Electoral Roll

7. (1) Not later than 1 December (or such other date as the Council may specify) in every Election Year, the Returning Officer shall—

- (a) make the Electoral Roll, which is then current, available for inspection to Eligible Teachers in the manner the Returning Officer considers appropriate, and
- (b) cause to be published in such manner as the Returning Officer considers appropriate a Notice of Election in the format set out in Schedule 2 to these Regulations (in both the Irish and English languages) informing Eligible Teachers of an upcoming Election.

(2) The Notice of Election shall also—

- (a) state that any Eligible Teacher who wishes to request an amendment to the Electoral Roll may do so by applying in writing to the Returning Officer,
- (b) specify the date by which applications under paragraph (2)(a) are to be made, which date shall be not less than 14 days and not more than 21 days after the date of the Notice of Election,
- (c) state the day and hour on and at which the period during which the Returning Officer may receive nomination papers will expire (hereinafter referred to as the “expiration time for receiving nominations”),
- (d) state the place at which nomination papers will be received, and
- (e) advise that, if the number of Candidates nominated exceeds the number of positions available, the period during which the Returning Officer may receive votes will expire on a specified date.

(3) Applications under paragraph (2)(a) shall be in such form as may be specified by the Returning Officer and may be accompanied by such documents, particulars or other information relating to the application as the applicant considers necessary or appropriate.

(4) Within 14 days of the date specified pursuant to paragraph 2(b), the Returning Officer may, having considered all relevant information (including but not limited to applications under paragraph (2)(a))—

- (a) amend the Electoral Roll by entering the name of any Eligible Teacher whose name was not entered in the Electoral Roll, or by deleting the name of any person whose name was entered in the Electoral Roll, or
- (b) amend the Electoral Roll in respect of the name of, or any other details relevant to, any Elector.

(5) The Returning Officer may request such further information from the applicant as the Returning Officer considers necessary for the purposes of amending the Electoral Roll under paragraph (5).

(6) The Returning Officer shall have sole and absolute discretion but no obligation to amend the Electoral Roll if the Returning Officer deems an amendment is warranted.

(7) Notwithstanding that an application made to the Returning Officer is not received until after the date specified by the Returning Officer pursuant to paragraph 2(b), the Returning Officer may, at his or her sole discretion, examine that application and amend the Electoral Roll as he or she deems appropriate, but the Returning Officer shall be under no obligation to do so.

Nominations

8. (1) The Returning Officer shall receive nominations under this Regulation up to the expiration time for receiving nominations at the place appointed by him for receiving nomination papers.

(2) An Elector seeking nomination to be a Candidate for election to the Council shall be nominated in writing by means of a nomination paper in the appropriate form set out in Schedule 4, such nomination paper being signed by 15 Electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which the nominee is nominated, being the Electoral Category and Geographical Constituency of the nominee, and, together with a completed consent form in the form set out in Schedule 3, being delivered by the nominee in person or by post so as to reach the Returning Officer at any time between the date of publication of the Notice of Election and the expiration time for receiving nominations.

(3) A nominee shall not be entitled to have his or her name entered as a Candidate for more than one Electoral Category or for more than one Geographical Constituency.

(4) A nominee shall not be entitled to have his or her name entered as a Candidate unless the nomination has been ruled as valid by the Returning Officer pursuant to Regulation 9.

(5) Without prejudice to paragraphs (3) and (4), a nominee may apply in writing to the Returning Officer before the expiration time for receiving nominations to have his or her name stated for the purpose of the Election in such form as the nominee is commonly known and the Returning Officer may, in the absolute discretion of the Returning Officer, approve the form of name requested and arrange for the nominee's name to be so stated on any such notices or documents in respect of the Election as the Returning Officer deems appropriate.

Ruling on Nomination

9. (1) The Returning Officer shall, as soon as practicable after the expiration time for receiving nominations, rule whether each nomination is valid or invalid and the decision of the Returning Officer on the validity of a nomination paper shall be final.

(2) Without prejudice to the generality of Regulation 5(2), the Returning Officer may, for the purpose of determining the validity of a nomination for

election, require the Council or a nominee or Candidate to give the Returning Officer such relevant information relating to a registration or nomination as the Returning Officer requires and may require the nominee or Candidate to furnish appropriate evidence in relation to any information so given.

(3) Failure by a nominee or Candidate to give information requested under paragraph (2) or to provide evidence required for the purpose of that paragraph may be regarded by the Returning Officer as grounds for invalidating a nomination or candidature.

(4) Without prejudice to the generality of paragraph (1), the Returning Officer may rule that a nomination is invalid where the Returning Officer considers that the nomination paper—

- (a) has been completed incorrectly or is incomplete,
 - (b) has not been signed by 15 Electors in accordance with Regulation 8(2),
 - (c) is not accompanied by a completed consent form pursuant to Regulation 8(2), or
 - (d) is otherwise not in compliance with Regulation 8(2).
- (5) (a) The Returning Officer shall object to the name of a nominee in a nomination paper unless—
- (i) the name is the name by which the nominee is entered in the Electoral Roll, or
 - (ii) the form of such name has been approved by the Returning Officer pursuant to Regulation 8(5).
- (b) Where the Returning Officer objects in accordance with subparagraph (a), the Returning Officer shall allow the nominee or Agent, as the case may be, to amend the name on the nomination paper.
- (c) If a name is not amended pursuant to subparagraph (b) to the satisfaction of the Returning Officer, the Returning Officer may amend it as the Returning Officer considers appropriate, after consultation with the nominee or Agent, if either is present, or may, in his or her absolute discretion, rule that the nomination paper is invalid.
- (d) Without prejudice to the foregoing, a misnomer or inaccurate description of any person or place named in the nomination paper shall not invalidate the nomination paper if in the opinion of the Returning Officer the description of such person or place is such as to be commonly understood.

(6) The Returning Officer shall record any decision or ruling on the validity of the nomination paper and shall sign the note. Where the Returning Officer rules that a nomination paper is invalid, the Returning Officer shall include a brief statement of the reasons for the decision. As soon as practicable after the ruling on the validity of the nomination paper, the Returning Officer shall give written notice of the ruling to the nominee.

(7) The Returning Officer shall sign each nomination paper which has been ruled as valid and shall mark it with a unique sequential number for the purposes of determining the order of receipt of valid nominations. The Returning Officer may use different sequences for different Electoral Categories and Geographic Constituencies, or may use any other method of numbering that appears to the Returning Officer to be appropriate.

(8) A nominee or Candidate may withdraw his or her nomination or candidature by providing the Returning Officer, prior to the expiration time for receiving nominations, with written notice of his or her withdrawal signed by the nominee or Candidate.

Publication of Nominations

10. (1) The Returning Officer shall as soon as practicable after ruling on the validity of a nomination paper bring to the notice of Electors in the manner the Returning Officer considers appropriate, notice of the Candidate, which may include information such as the name, gender, Electoral Category and Geographical Constituency of each Candidate validly nominated and the names and Teacher Registration Number of the Electors who nominated each Candidate.

(2) The Returning Officer shall also bring to the notice of Electors in the manner the Returning Officer considers appropriate the list of Candidates validly nominated for the Election and the Electoral Category and Geographical Constituency in respect of which each Candidate has been nominated.

Applications for details of Electoral Roll

11. (1) A Candidate may submit a request in writing to the Returning Officer, not earlier than the making of a ruling in relation to that Candidate pursuant to Regulation 9, to be provided with details of the Electoral Roll in respect of the Electoral Category and Geographical Constituency for which the Candidate has been validly nominated.

(2) Upon receipt of a request pursuant to paragraph (1), the Returning Officer shall, for the purposes of an Election, have discretion to make the Electoral Roll available to Candidates in such edited form or forms as the Returning Officer deems appropriate having regard to the Electoral Category and Geographical Constituency for which a Candidate has been validly nominated and provided always that the Candidate provides the Returning Officer with the undertaking pursuant to paragraph (3).

(3) A Candidate who makes a request pursuant to paragraph (1) shall provide the Returning Officer with an undertaking, in writing in such form as may be determined by the Returning Officer, that—

- (a) any details of the Electoral Roll (in whatever form) provided to the Candidate shall be used solely for the purposes of the Election and shall not be used or processed by the Candidate otherwise than in compliance with the General Data Protection Regulation (Regulation (EU) 2016/679 of the European Parliament and the

Council of 27 April 2016) and the Data Protection Acts 1988 to 2018 (including without limitation any amendments, modification or re-enactment thereof), and

- (b) the Candidate shall comply with the Act and these Regulations (including without limitation any amendments, modification or re-enactment thereof).

Death of Candidate

12. (1) Where, not more than 72 hours after the expiration time for receiving nominations, the Returning Officer is satisfied that a nominee or Candidate has died, the Returning Officer shall immediately deem the nomination or candidature of the nominee or Candidate to have been withdrawn.

(2) Where the death of a Candidate comes to the attention of the Returning Officer after the time referred to in paragraph (1), this shall not, of itself, invalidate the nomination or candidature or any preference recorded for the Candidate and, insofar as any preferences are recorded for the Candidate, they shall be credited in accordance with Regulation 15 and if the Candidate is elected, his or her election shall not be invalidated by reason of the Candidate's death, but the Candidate shall be deemed to have vacated his or her membership of the Council immediately on the commencement of the term of office of the newly elected members.

General Provisions regarding Agents

13. (1) Each person nominated to be a Candidate may appoint one or more persons to act as his or her agent as permitted by these Regulations and where the name of a person so appointed is notified to the Returning Officer in writing by the nominee before the expiration time for receiving nominations, that person shall be an Agent of that nominee (or if the nominee becomes a Candidate, of that Candidate) for the purposes of these Regulations.

(2) An Agent of a nominee may be present, by prior arrangement with the Returning Officer, or otherwise at the discretion of the Returning Officer, on behalf of the nominee on the ruling on nominations. No person other than a nominee or his or her Agent shall be entitled to attend except with the permission of the Returning Officer.

(3) An Agent of a Candidate may be present, by prior arrangement with the Returning Officer, or otherwise at the discretion of the Returning Officer, on behalf of the Candidate on the counting of votes. No person other than a Candidate or his or her Agent shall be entitled to attend except with the permission of the Returning Officer.

(4) An Agent shall, if so required produce the written consent of the nominee or the Candidate (as the case may be) to his or her appointment as Agent for inspection by the Returning Officer or by any person authorised to act on behalf of the Returning Officer.

Determination of Electoral Categories and Geographical Constituencies

14. (1) The Electoral Roll shall provide for the following Electoral Categories:

- (i) Category 1: Electors who are employed in, or qualified to teach in, a Recognised Primary School;
- (ii) Category 2: Electors who are employed in, or qualified to teach in, a Recognised Post-primary School and whose voting category is determined pursuant to Regulation 6 to be the voluntary secondary school sector;
- (iii) Category 3: Electors who are employed in, or qualified to teach in, a Recognised Post-primary School and whose voting category is determined pursuant to Regulation 6 to be the Education and Training Boards Sector; and
- (iv) Category 4: Electors who are employed in, or qualified to teach in, a Recognised Post-primary School and whose voting category is determined pursuant to Regulation 6 to be the community and comprehensive school sector.

(2) The Electoral Categories referred to in paragraph (1) shall be further subdivided into Geographical Constituencies as follows:

- (a) Each Electoral Category shall be subdivided into the Geographical Constituencies specified in Schedule 1. For the avoidance of doubt, the division of the areas of the Geographical Constituencies described in Schedule 1 shall, as far as practicable, reflect the local government areas and boundaries pursuant to section 10 of the Local Government Act 2001 (as amended) and, for the avoidance of doubt, in the case of each of the counties of Cork, Galway, Limerick, Waterford and Dublin, the county shall be deemed not to include any city named in Schedule 1.
- (b) The number of members to be elected to a Geographical Constituency in an Electoral Category is the number stated in Column 3 of the Table in Schedule 1 referring to that Electoral Category, opposite reference to that Geographical Constituency in Column 1 of that Table.

Election of Members

15. (1) Where in respect of any Geographical Constituency, the number of Candidates does not exceed the number of persons to be elected in that particular Geographical Constituency, the Returning Officer shall declare such Candidate or Candidates to be elected without a Poll.

(2) Where in respect of any Geographical Constituency, there is no Candidate for an Electoral Category, or the number of Candidates in that Electoral Category is less than the number of persons to be elected, the Returning Officer shall declare, in respect of that particular Electoral Category in the particular Geographical Constituency at issue, that one or more vacancies arise, as appropriate, and that such vacancies shall be deemed to take effect from the commencement of the term of office of the newly elected members.

(3) Where in respect of any Geographical Constituency, the number of Candidates exceeds the number of persons to be elected, a Poll of Electors in that Geographical Constituency using the single transferable vote system as set out in Schedule 5 and Regulation 17 shall be taken by the Returning Officer, subject to Regulation 16(2), using an electronic voting system.

Poll – electronic voting system

16. (1) In respect of each Geographical Constituency in which a Poll is to be taken pursuant to Regulation 15(3), the Council shall approve for the purpose of undertaking the Poll an electronic voting system, being a voting system in which votes are cast, transmitted, stored and counted, and the results automatically produced by use of technological systems, programs or processes which are approved by the Council for use in an Election.

(2) The Council may contract to any person (hereinafter referred to as the “Service Provider”) the provision of services in relation to the preparation of an electronic voting system or the undertaking of a Poll under that system. Where any action is specified in this Regulation as being done, or requiring to be done, by the Returning Officer, such action may, at the discretion of the Returning Officer, be read as being done, or being required to be done, by the Service Provider.

- (3) (a) The Returning Officer shall fix the date and time by which votes must be cast in accordance with the electronic voting system.
- (b) The Returning Officer shall record in respect of each Geographical Constituency the total number of Electors.
- (4) (a) The Returning Officer shall give notice to all Electors in a Geographical Constituency to which this Regulation applies as to how the Elector is to cast his or her vote in accordance with the electronic voting system.
- (b) Notice under subparagraph (a) shall be sent to the email address for the Elector stated in the Register, or in whatever manner the Returning Officer deems appropriate.
- (c) The Returning Officer shall, as soon as practicable, give notice, in the manner the Returning Officer considers appropriate, to all

Electors in a Geographical Constituency to which this Regulation applies, of the taking of the Poll, detailing the date on or by which the Poll will close, and any other particulars that the Returning Officer considers appropriate.

(5) The Service Provider shall put in place controls, approved by the Returning Officer, with the objective of ensuring that no Elector votes more than once, and that all valid votes are recorded and counted.

(6) The Returning Officer shall seek confirmation from the Service Provider that the Service Provider was satisfied with the conduct of the Poll.

Poll – counting of votes

17. (1) Where in a Geographical Constituency provision is made for the election of one Candidate, all valid votes shall be credited to the Candidates to determine the Candidate elected, being the first Candidate to reach the quota referred to in paragraph 4 of Schedule 5 (hereinafter referred to as the “Quota”), or should no Candidate reach the Quota, the last Candidate not to be excluded.

(2) Where in a Geographical Constituency provision is made for the election of two Candidates, all valid votes shall be credited to the Candidates to determine the persons elected, being—

- (a) the first Candidate to reach the Quota, or should no Candidate reach the Quota, the last Candidate not to be excluded, and
- (b) having regard to the gender of the first Candidate elected, as referred to in paragraph (2)(a);
 - (i) where there is at least one other Candidate of a different gender, the first Candidate of a different gender to reach the Quota, or should no Candidate of a different gender reach the Quota, the last Candidate of a different gender not to be excluded, or where there is no candidate of a different gender not to be excluded, the last candidate of a different gender to be excluded, or
 - (ii) where there is no Candidate of a different gender, the Candidate (excluding the Candidate elected by means of the procedure set out in paragraph (2)(a)) who is the first to reach the Quota, or should no such Candidate reach the Quota, the last Candidate not to be excluded.

(3) Where in a Geographical Constituency provision is made for the election of three Candidates, all valid votes shall be credited to the Candidates to determine the persons elected, being—

- (a) in the case of the first two Candidates—
 - (i) the first two Candidates to reach the Quota, or
 - (ii) where only one Candidate reaches the Quota, that Candidate and the last Candidate not to be excluded, or

- (iii) where no Candidate reaches the Quota, the last Candidate not to be excluded and the last Candidate to be excluded, and
 - (b) in the case of the third Candidate—
 - (i) if the first two Candidates elected in accordance with subparagraph (a) are of the same gender—
 - A. where there is at least one other Candidate of a different gender, the first Candidate (excluding those elected Candidates) of a different gender to reach the Quota or, should no Candidate of a different gender reach the Quota, the last Candidate of a different gender not to be excluded, or where there is no Candidate of a different gender not excluded, the last Candidate of a different gender to be excluded, or
 - B. where there is no Candidate of a different gender, the Candidate (excluding those elected Candidates), who is the first to reach the Quota, or should no such Candidate reach the Quota, the last Candidate not to be excluded, or
 - (ii) if the first two Candidates elected in accordance with subparagraph (a) are of a different gender, the Candidate (excluding those elected Candidates) who is first to reach the Quota or, should no Candidate reach the Quota, the last Candidate not to be excluded.
- (4) The procedure for crediting votes to Candidates shall follow as closely as possible that set out in Schedule 5.

Notice of Persons Elected

18. (1) The Returning Officer shall give to every person elected written notice of his or her election and shall furnish the Council with a list of the persons certified by him or her to have been duly elected in each Geographical Constituency and Electoral Category, showing, if a Poll is taken, the number of votes cast for each Candidate.

(2) Where the provisions of Regulations 12(2) or 15(2) apply, the Returning Officer shall notify the Council accordingly.

Revocation

19. The Teaching Council (Election of Members) Regulations 2019 (S.I. No. 461 of 2019) are revoked.

SCHEDULE 1

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

ELECTORAL CATEGORIES AND GEOGRAPHICAL CONSTITUENCIES

Category 1: Electors who are employed in, or qualified to teach in, a Recognised Primary School

1	2	3
Geographical Constituency	Area	Number of members
Connaught-Ulster	The following counties: Cavan, Donegal, Galway, Leitrim, Mayo, Monaghan, Roscommon and Sligo and the city of Galway.	2
Dublin	The following counties: Dún Laoghaire – Rathdown, Fingal and South Dublin; and the city of Dublin.	2
Leinster	The following counties: Carlow, Kildare, Kilkenny, Laois, Longford, Louth, Meath, Offaly, Westmeath, Wexford and Wicklow.	2
Munster	The following counties: Clare, Cork, Kerry, Limerick, North Tipperary, South Tipperary and Waterford and the cities of Cork, Limerick and Waterford.	3

Category 2: Electors who are employed in, or qualified to teach in, a Recognised Post-primary School and whose voting category is determined to be the voluntary secondary school sector

1	2	3
Geographical Constituency	Area	Number of members
Midlands-North-West	The following counties: Cavan, Donegal, Galway, Kildare, Leitrim, Longford, Louth, Mayo, Meath, Monaghan, Roscommon, Sligo and Westmeath.	1
Dublin and South	The following counties: Carlow, Clare, Cork, Dún Laoghaire–Rathdown, Fingal, Kerry, Kilkenny, Laois, Limerick, Offaly, Tipperary, South Dublin,	2

	Waterford, Wexford and Wicklow and the city of Dublin.	
--	--	--

Category 3: Electors who are employed in, or qualified to teach in, a Recognised Post-primary School and whose voting category is determined to be the Education and Training Boards Sector

1	2	3
Geographical Constituency	Area	Number of members
Midlands-North-West	The following counties: Cavan, Donegal, Galway, Kildare, Leitrim, Longford, Louth, Mayo, Meath, Monaghan, Roscommon, Sligo and Westmeath.	1
Dublin and South	The following counties: Carlow, Clare, Cork, Dún Laoghaire–Rathdown, Fingal, Kerry, Kilkenny, Laois, Limerick, Offaly, Tipperary, South Dublin, Waterford, Wexford and Wicklow and the city of Dublin.	2

Category 4: Electors who are employed in, or qualified to teach in, a Recognised Post-primary School and whose voting category is determined to be the community and comprehensive school sector

1	2	3
Geographical Constituency	Area	Number of members
Connaught, Leinster, Munster and Ulster	The following counties: Carlow, Cavan, Clare, Cork, Donegal, Dún Laoghaire-Rathdown, Fingal, Galway, Kerry, Kildare, Kilkenny, Laois, Leitrim, Limerick, Longford, Louth, Mayo, Meath, Monaghan, Offaly, Roscommon, Sligo, South Dublin, North Tipperary, South Tipperary, Waterford, Westmeath, Wexford and Wicklow; and the cities of Cork, Dublin, Galway, Limerick and Waterford.	1

SCHEDULE 2
ELECTION OF MEMBERS TO THE TEACHING COUNCIL
NOTICE OF ELECTION

Notice is hereby given that pursuant to the Teaching Council Act 2001 and the Teaching Council (Election of Members) Regulations 2019 an election of

- (i) nine registered teachers employed in, or qualified to teach in, Recognised Primary Schools and
- (ii) seven registered teachers employed in, or qualified to teach in, Recognised Post-primary Schools

to be a member/ members of the Teaching Council is about to be held.

The Electoral Roll, which is comprised of teachers whose name is on the Register at 5pm on 30 September, [ELECTION YEAR], will be made available for inspection by Eligible Teachers [INSERT MANNER OF INSPECTION] on [INSERT DATE].

Any Eligible Teacher who wishes to request an amendment to the Electoral Roll may do so by applying in writing to the Returning Officer at [INSERT EMAIL ADDRESS OR POSTAL ADDRESS FOR RECEIPT OF THESE APPLICATIONS].

Applications to amend the Electoral Roll will close on [INSERT DATE] and must be accompanied by a valid email address for the Eligible Teacher in order to facilitate the Returning Officer in communicating with the Eligible Teacher regarding their request to amend the Electoral Roll and in order to advise them, where necessary, as to the taking of a Poll.

Nomination papers and further details of the election may be obtained from the Teaching Council's website, www.teachingcouncil.ie, or on application to the undersigned at the offices of the Teaching Council, Block A, Maynooth Business Campus, Maynooth, Co. Kildare, W23 Y7X0.

Completed nomination papers must be delivered to the Returning Officer at the said offices on or before, in accordance with Regulation 8.

The Returning Officer will attend to receive nominations at the said offices between the hours of..... and.....on the, in accordance with Regulation 8.

If the number of Candidates nominated exceeds the number of positions available, the period during which the Returning Officer may receive votes will expire on [INSERT DATE].

Dated this.....day of..... 20.....

Returning Officer

SCHEDULE 3
ELECTION OF MEMBERS TO THE TEACHING COUNCIL
FORM OF CONSENT

Instructions

1. Delete one of (a) or (b) as applicable, and delete all but one of (i) to (iv) as applicable.
2. The identity of the person signing the form must be confirmed by an Eligible Teacher.

ELECTION OF MEMBERS TO THE TEACHING COUNCIL
FORM OF CONSENT

(to be issued with Nomination Papers for return by the person nominated to be a Candidate)

I..... (Print Name of nominee in BLOCK LETTERS), being

*1 (a) currently employed in (Name of School), at

..... (Address of School), being

OR

- (b) not being currently employed in, but being qualified to teach in,
 - (i) a Recognised Primary School;
 - (ii) a Recognised Post-primary School whose voting category is determined to be the voluntary secondary school sector;
 - (iii) a Recognised Post-primary School whose voting category is determined to be the Education and Training Boards sector;
 - (iv) a Recognised Post-primary School whose voting category is determined to be the community and comprehensive school sector;

with Registered Teacher Number

and Correspondence Address at

and Telephone Number.....

CONSENT to be nominated for election to the Teaching Council.

Electoral Category:

Geographical Constituency:

Gender:

2* And I confirm that my nomination has been subscribed by at least 15 Electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which I am nominated, that the

nomination papers from which Electors are enclosed herewith, and that the statements on this form, and on the enclosed nomination papers, are correct. I make this confirmation believing the same to be true.

Signature:

Date:

This was signed before me by (name of nominee in capitals) who

- (I) is personally known to me;
- (II) is identified to me bywho is personally known to me; or
- (III) whose identity has been established to me before the taking of this Declaration by the production to me of(details of identification produced)

Signature of witness (being an Eligible Teacher) : _____

Name of witness : _____

Teacher Registration Number of witness : _____

SCHEDULE 4

PART A

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

NOMINATION PAPER — RECOGNISED PRIMARY SCHOOLS

Instructions

Please note a Candidate for election to the Council should be nominated in writing by means of a nomination paper in the form set out below. This nomination should be signed by 15 Electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which the person is nominated to be a Candidate. The Nomination Paper and the completed consent form should be delivered by the nominee in person or by post so as to reach the Returning Officer at any time between [insert the date of publication of the public notice pursuant to Regulation 7(1) and the expiration time for receiving nominations].

1. Here insert the nominee's name, with the surname first (Please use BLOCK LETTERS).
2. Here insert the nominee's Teacher Registration Number.
3. Here insert whichever description is most appropriate. i.e. If the nominee is currently employed in a Recognised Primary School, then insert the name and address of the Recognised Primary School and place a line through the second description. If the nominee is not currently employed in a Recognised Primary School but is qualified to teach in a Recognised Primary School, then place a line through the first description.

4. Here insert the Geographical Constituency for which the person is being nominated.

ELECTION OF MEMBERS TO THE TEACHING COUNCIL
NOMINATION PAPER — RECOGNISED PRIMARY SCHOOLS

We, the undersigned, being Electors registered to teach in Recognised Primary Schools, hereby nominate

*1 Name of person being nominated (BLOCK capitals):

*2 Teacher Registration Number:

*3 and who is EITHER

(i) employed in a Recognised Primary School at

or

(ii) qualified to teach in a Recognised Primary School

*4 in respect of the Geographical Constituency of

to be a Candidate for election to the Teaching Council for that category.

Name of nominating Elector (PRINT)

Correspondence address of nominating Elector

Teacher Registration Number of nominating Elector

Signature of nominating Elector

SCHEDULE 4

PART B

ELECTION OF MEMBERS TO THE TEACHING COUNCIL
NOMINATION PAPER — POST PRIMARY RECOGNISED SCHOOLS
CATEGORY — VOLUNTARY SECONDARY SCHOOL SECTOR

Instructions

Please note a Candidate for election to the Council should be nominated in writing by means of a nomination paper in the form set out below. This nomination should be signed by 15 Electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which the person is nominated to be a Candidate. The Nomination Paper and the completed consent form should be delivered by the nominee in person or by post so as to reach the Returning Officer at any time between [insert the date of publication of the public notice pursuant to Regulation 7(1) and the expiration time for receiving nominations].

1. Here insert the nominee's name, with the surname first (Please use BLOCK LETTERS).

2. Here insert the nominee's teacher registration number.

3. Here insert whichever description is most appropriate. i.e. If the nominee is currently employed in a Recognised Post-primary School, then insert the name and address of the Recognised Post-primary School and place a line through the second description. If the nominee is not currently employed in a Recognised Post-primary School but is qualified to teach in a Recognised Post-primary School, then place a line through the first description.

4. Here insert the Geographical Constituency for which the person is being nominated.

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

NOMINATION PAPER — POST PRIMARY RECOGNISED SCHOOLS

CATEGORY —VOLUNTARY SECONDARY SCHOOL SECTOR

We, the undersigned, being Electors registered to teach in Recognised Post-primary Schools and whose voting category is determined to be the voluntary secondary school sector, hereby nominate

*1 Name of person being nominated (BLOCK capitals):

*2 Teacher Registration Number:

*3 and who is EITHER

(i) employed in a Recognised Post-primary School at

or

(ii) qualified to teach in a Recognised Post-primary School

and whose voting category is determined to be the voluntary secondary school sector

*4 in respect of the Geographical Constituency of

to be a Candidate for election to the Teaching Council for that category.

Name of nominating Elector (PRINT)

Correspondence address of nominating Elector

Teacher Registration Number of nominating Elector

Signature of nominating Elector

SCHEDULE 4

PART C

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

NOMINATION PAPER — POST PRIMARY RECOGNISED SCHOOLS

CATEGORY — EDUCATION AND TRAINING BOARDS SECTOR

Instructions

Please note a Candidate for election to the Council should be nominated in writing by means of a nomination paper in the form set out below. This nomination should be signed by 15 Electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which the person is nominated to be a Candidate. The Nomination Paper and the completed consent form should be delivered by the nominee in person or by post so as to reach the Returning Officer at any time between [insert the date of publication of the public notice pursuant to Regulation 7(1) and the expiration time for receiving nominations].

1. Here insert the nominee's name, with the surname first (Please use BLOCK LETTERS).
2. Here insert the nominee's teacher registration number.
3. Here insert whichever description is most appropriate. i.e. If the nominee is currently employed in a Recognised Post-primary School, then insert the name and address of the Recognised Post-primary School and place a line through the second description. If the nominee is not currently employed in a Recognised Post-primary School but is qualified to teach in a Recognised Post-primary School, then place a line through the first description.
4. Here insert the Geographical Constituency for which the person is being nominated.

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

NOMINATION PAPER — POST PRIMARY RECOGNISED SCHOOLS

CATEGORY — EDUCATION AND TRAINING BOARDS SECTOR

We, the undersigned, being Electors registered to teach in Recognised Post-primary Schools and whose voting category is determined to be the vocational education sector, hereby nominate

*1 Name of person being nominated (BLOCK capitals):

*2 Teacher Registration Number:

*3 and who is EITHER

(i) employed in a Recognised Post-primary School at

or

(ii) qualified to teach in a Recognised Post-primary School

and whose voting category is determined to be the vocational education sector

*4 in respect of the Geographical Constituency of
to be a Candidate for election to the Teaching Council for that category.

Name of nominating Elector (PRINT)

Correspondence address of nominating Elector

Teacher Registration Number of nominating Elector

Signature of nominating Elector

SCHEDULE 4

PART D

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

NOMINATION PAPER — POST PRIMARY RECOGNISED SCHOOLS

CATEGORY — COMMUNITY & COMPREHENSIVE SCHOOL SECTOR

Instructions

Please note a Candidate for election to the Council should be nominated in writing by means of a nomination paper in the form set out below. This nomination should be signed by 15 Electors whose names are entered in the Electoral Roll in the Electoral Category and in the Geographical Constituency for which the person is nominated to be a Candidate. The Nomination Paper and the completed consent form should be delivered by the nominee in person or by post so as to reach the Returning Officer at any time between [insert the date of publication of the public notice pursuant to Regulation 7(1) and the expiration time for receiving nominations].

1. Here insert the nominee's name, with the surname first (Please use BLOCK LETTERS).
2. Here insert the nominee's teacher registration number.
3. Here insert whichever description is most appropriate. i.e. If the nominee is currently employed in a Recognised Post-primary School, then insert the name and address of the Recognised Post-primary School and place a line through the second description. If the nominee is not currently employed in a Recognised Post-primary School but is qualified to teach in a Recognised Post-primary School, then place a line through the first description.
4. Here insert the Geographical Constituency for which the person is being nominated.

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

NOMINATION PAPER — POST PRIMARY RECOGNISED SCHOOLS

CATEGORY — COMMUNITY & COMPREHENSIVE SCHOOL SECTOR

We, the undersigned, being Electors registered to teach in Recognised Post-primary Schools and whose voting category is determined to be the community and comprehensive school sector, hereby nominate

*1 Name of person being nominated (BLOCK capitals):

*2 Teacher Registration Number:

*3 and who is EITHER

(i) employed in a Recognised Post-primary School at

or

(ii) qualified to teach in a Recognised Post-primary School

and whose voting category is determined to be the community and comprehensive school sector

*4 in respect of the Geographical Constituency of

to be a Candidate for election to the Teaching Council for that category.

Name of nominating Elector (PRINT)

Correspondence address of nominating Elector

Teacher Registration Number of nominating Elector

Signature of nominating Elector

SCHEDULE 5

ELECTION OF MEMBERS TO THE TEACHING COUNCIL

RULES RELATING TO THE COUNTING OF VOTES

IN ACCORDANCE WITH THE SINGLE TRANSFERABLE VOTE SYSTEM

1. Definitions

In this Schedule—

“continuing Candidate” means any Candidate not deemed elected and not excluded;

“count” includes—

- (i) all the operations involved in the counting of the first preferences recorded for Candidates,
- (ii) all the operations involved in the transfer of the votes of an excluded Candidate,
- (iii) all the operations involved in the transfer of the votes of two or more Candidates excluded together, and
- (iv) all the operations involved in the distribution of the surplus votes of a Candidate or Candidates deemed elected.

“deemed to be elected” means deemed to be elected 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 in accordance with the following directions, namely, 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—

- (i) in cases of exclusion, the Candidate or Candidates shall be excluded in the order in which their names are drawn,
- (ii) in cases of surpluses, the surpluses shall be transferred in the order in which the names are drawn, and
- (iii) in cases of equality of fractions, the fraction relating to the Candidate whose name is first drawn shall be deemed to be the largest;

“mark” means a figure, or word or a mark such as “X”, and shall include where this is effected electronically;

“non-transferable vote” means a vote in respect of which no second or subsequent preference is recorded for a continuing Candidate, provided that a vote shall be deemed to have become a non-transferable vote whenever—

- (i) the names of two or more Candidates (whether continuing Candidates or not) are marked with marks which, in the opinion of the Returning Officer, indicate the same order of preference and are next in order of preference, or
- (ii) the name of the Candidate next in order of preference (whether a continuing Candidate or not) is marked with a mark which, in the opinion of the Returning Officer, does not follow consecutively after some other mark on the vote, or with two or more marks, or
- (iii) it is void for uncertainty;

“original vote” in relation to any Candidate, means a vote by which a first preference is recorded for that Candidate;

“preference” shall be read as follows:

- (i) “first preference” means any mark which, in the opinion of the Returning Officer, clearly indicates a first preference;

“second preference” means any mark, which, in the opinion of the Returning Officer, clearly indicates a second preference standing in succession to a first preference;

“third preference” means any mark which, in the opinion of the Returning Officer, clearly indicates a third preference standing in succession to a second preference,

and so on;

- (ii) “next available preference” means a preference which, in the opinion of the Returning Officer, is a second or subsequent preference recorded in consecutive order for a continuing Candidate, the preferences next in order in respect of Candidates already deemed to be elected or excluded being disregarded;

“quota” has the meaning assigned to it by paragraph 4;

“surplus” means the number of votes by which the total number of the votes, original and transferred, credited to any Candidate, exceeds the quota;

“transferable vote” means a vote on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing Candidate;

“transferred vote” in relation to any Candidate, means a vote derived from a second or subsequent preference recorded for that Candidate.

2. Any reference in this Schedule to an action being done, or being required to be done, by the Returning Officer may be read, at the discretion of the Returning Officer, as a reference to that action being done, or being required to be done, by the Service Provider.

3. First count

- (a) The Returning Officer shall cause that the valid first preference votes be counted according to the first preferences recorded for each Candidate.
- (b) The Returning Officer shall cause that each Candidate be credited with that number of votes and the Returning Officer shall ascertain the number of all valid votes.

4. The quota

- (a) The Returning Officer shall ascertain the number of all valid votes as divided by a number exceeding by one the number of members to be elected, and the number so ascertained is referred to in this Schedule as the “quota”.
- (b) The quota will be recalculated after every count so as to take into account any reduction in the number of valid votes.
- (c) Where at the end of any count (and following the recalculation of the quota as at paragraph (b) above), the number of votes credited to a Candidate is greater than the quota, that Candidate shall be deemed to be elected.

5. Transfer of surplus

- (a) Where pursuant to paragraph 4(c) the number of votes credited to a Candidate at the end of a count is greater than the quota, the surplus shall be transferred in accordance with and subject to this paragraph to the continuing Candidate or Candidates indicated in respect of the votes of the Candidate deemed to be elected, according to the next available preferences recorded thereon.
- (b) Where the votes credited to a Candidate deemed to be elected whose surplus is to be transferred consist of original votes only, the Returning Officer shall cause all the votes of that Candidate to be examined and shall cause the votes to be allocated according to the next available preferences recorded thereon, and in the same proportion in each case as the surplus bears to the number of votes being examined.

- (c) Where the votes credited to a Candidate deemed to be elected whose surplus is to be transferred consist of original and transferred votes, or of transferred votes only, the Returning Officer shall cause the votes last received by that Candidate to be examined and shall cause the transferable votes therein to be allocated according to the next available preference recorded thereon, and in the same proportion in each case as the surplus bears to the number of votes being examined.
- (d) Where at any time there are two or more surpluses which are to be transferred, the greater or greatest of such surpluses shall first be transferred and the remaining surplus or surpluses shall then be transferred in the order of their descending magnitude.
- (e) Where two or more Candidates have each an equal surplus arising from the same count, regard shall be had to the number of original votes credited to each Candidate and the surplus of the Candidate credited with the largest number of original votes shall be first dealt with. Where the numbers of such original votes are equal regard shall be had to the total number of votes credited to such Candidates at the first count at which they had an unequal number of votes and the surplus of the Candidate with the greatest number of votes at that count shall be first dealt with. Where the numbers of votes credited to such Candidates were equal at all counts the Returning Officer shall determine by lot which surplus shall be first dealt with.
- (f) Subject to subparagraph (e), where two or more Candidates have a surplus arising from different counts, a surplus which arises at the end of any count shall be transferred before a surplus which arises at a subsequent count.

6. Exclusion of Candidate

- (a) If at any time no Candidate has a surplus and one or more vacancies remain unfilled, the Returning Officer shall arrange that the necessary steps be taken so as to—
 - (i) exclude the Candidate or Candidates credited with the lowest number of votes,
 - (ii) examine all the votes of that Candidate or those Candidates,
 - (iii) arrange the transferable votes of that Candidate or those Candidates in groups according to the next available preferences recorded thereon for continuing Candidates,
 - (iv) transfer each group of votes to the Candidate for whom that preference is recorded, and
 - (v) make a separate group of the non-transferable votes.
- (b) The non-transferable votes shall be not further taken into account and shall be deemed to be non-transferable votes not effective.
- (c) Where the total of the votes of the two or more lowest Candidates together with any surplus not transferred is less than the number

of votes credited to the next highest Candidate, the Returning Officer may in one operation cause those two or next lowest Candidates to be excluded.

- (d) 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, regard shall be had to the numbers of original votes credited to each of those Candidates, and the Candidate with the lowest number of original votes shall be excluded and where the number of the original votes are equal, regard shall be had to the total numbers of votes credited to those Candidates at the first count at which they had an unequal number of votes and the Candidate with the lowest number of votes at that count shall be excluded and, where the numbers of votes credited to those Candidates were equal at all counts, the Returning Officer shall determine by lot which shall be excluded.

7. Transfer of votes

- (a) Where a transfer of votes is made under paragraph 5 or 6, the Candidate to whom the transfer is made shall be credited with a number of votes equal to the number of votes transferred to that Candidate.
- (b) If, after any transfer, a Candidate has a surplus, that surplus shall be dealt with in accordance with and subject to paragraph 5 before any other Candidate is excluded.

8. Recount

- (a) Any Candidate or Agent present at the counting of votes may, at the conclusion of any count, request the Returning Officer that all or any of the votes dealt with during that count be re-examined and recounted and the Returning Officer shall, as soon as practicable, order that the votes be re-examined and recounted accordingly. The Returning Officer shall have discretion to determine how any re-examination or recount of votes may be effected, and may consult with the Service Provider prior to so determining.
- (b) The Returning Officer may also at his or her discretion order the recount of votes either once or more often in any case in which he or she is not satisfied as to the accuracy of any count, but nothing in this paragraph shall make it obligatory for the Returning Officer to have the same group of votes recounted more than once.
- (c) The power of the Returning Officer under subparagraphs (a) and (b) to order the recount at his or her discretion of votes in any case in which he or she is not satisfied as to the accuracy of any count shall extend to votes dealt with at an earlier count than the immediately preceding one.
- (d) (i) One request (and not more) may be made by each Candidate or by his or her Agent for a complete re-examination and

recount of all groups of votes and the Returning Officer shall as soon as practicable order the re-examination and recounting of the groups of votes accordingly.

- (ii) Nothing in this paragraph shall make it obligatory on the Returning Officer to have the same group of votes re-examined or recounted more than once, but if an error is discovered which is, in the opinion of the Returning Officer, a significant error likely to affect the result of the Election, the Returning Officer shall order that all the votes be counted afresh from the point at which the error occurred.
- (iii) Nothing in this paragraph shall make it obligatory for the Returning Officer to comply with a request by a Candidate or his or her Agent which, in the opinion of the Returning Officer, is frivolous or vexatious.
- (iv) A request under this subparagraph may be made only at the conclusion of a count.
- (e) Where an error is discovered, the Returning Officer shall, where necessary, amend any results previously announced by him or her.
- (f) Where a request made under subparagraph (d)(i) is withdrawn by the Candidate or Agent concerned, it shall be open to the Returning Officer not to proceed or to proceed further with the re-examination and recount.

9. Declaration of the result of the Poll

As soon as practicable after the completion of the counting of votes the Returning Officer shall determine and declare the results of the Poll.

The Minister for Education consents to, and approves of, the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Education,
23 August, 2023.

NORMA FOLEY,
Minister for Education.



GIVEN under the seal of the Teaching Council,
23 August, 2023.

MICHELLE KEANE,
Chairperson.

LYNN RAMSEY,
Director.

EXPLANATORY NOTE

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

These Regulations are made under sections 4 and 10(1)(b) of the Teaching Council Act 2001. They provide for the election of members to the Teaching Council in accordance with section 8(2)(a)(i) and (b) of that Act and the determination of constituencies and the number of members from each constituency for the purpose of ensuring, in so far as it is practicable, that the election of members shall be on as equitable a geographical basis as possible.

The Teaching Council (Election of Members) Regulations 2019 are revoked.

These Regulations may be cited as the Teaching Council (Election of Members) Regulations 2023.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
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