Draft Order laid before Parliament under section 154(2)(b) of the Police Reform and Social Responsibility Act 2011, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No.

POLICE, ENGLAND AND WALES

The Police and Crime Commissioner Elections (Amendment) (No. 2) Order 2014

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes this Order in exercise of the powers conferred by sections 58(1) and 154(5) of the Police Reform and Social Responsibility Act 2011(**a**).

In accordance with section 7(1) and (2)(hc) of the Political Parties, Elections and Referendums Act 2000(**b**), the Secretary of State has consulted the Electoral Commission before making this order.

In accordance with section 154(2)(b) of the Police Reform and Social Responsibility Act 2011, a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament.

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Police and Crime Commissioner Elections (Amendment) (No. 2) Order 2014.

(2) In this Order "the 2012 Order" means the Police and Crime Commissioner Elections Order 2012(**c**).

(3) This Order comes into force on the day after the day on which it is made.

Amendments to the 2012 Order

2. The 2012 Order is amended in accordance with articles 3 and 4.

3. In article 52(1), for "an ordinary" substitute "a".

4. In Schedule 8—

(a) in paragraph 1, in the definition of "election address" for "an ordinary" substitute "a";

(b) in paragraph 2, for "an ordinary" substitute "a";

(**a**) 2011 c. 13.
(**b**) 2000 c. 41; section 7(2)(hc) was inserted by paragraphs 8 and 11 of Schedule 10 to the Police Reform and Social Responsibility Act 2011.
(**c**) S.I. 2012/1917.

(c) in paragraph 5—

(i) in sub-paragraph (1), omit "ordinary";

(ii) in sub-paragraph (2)(b), omit "ordinary";

(d) in paragraph 13, after sub-paragraph (4)(c), insert—

"(d) in any other premises to which the public normally have access in the police area."

Application of the 2012 Order in relation to the first vacancy election

5. Subject to article 6, the 2012 Order has effect in relation to the election held to fill the first vacancy that occurs in the office of police and crime commissioner after the coming into force of this Order (whichever the police area in which the vacancy occurs), as if it were amended in accordance with articles 7 to 10.

6. Where a vacancy falls within section 51(7) of the Police Reform and Social Responsibility Act 2011, that vacancy is to be disregarded for the purposes of article 5.

7. In article 2(1), after the definition of "relevant registration officer" insert—

""residential premises" means premises normally used as one or more dwellings;".

8. After article 52(1), insert—

"(1A) Each candidate at a PCC election is entitled to have that election address included in a booklet of election addresses—

(a) prepared by the police area returning officer; and

(b) caused by the police area returning officer to be delivered to each place in the police area which constitutes residential premises."

9. In article 52(2), after "website" insert "or in the booklet of election addresses".

10. In Schedule 8—

(a) in the heading of Part 1, omit "and website";

(b) in paragraph 1—

(i) in the definition of "election address", after "website" insert "and in the election booklet";

(ii) after the definition of "election address" insert—

""election booklet" means the booklet of election addresses referred to in article 52(1A) ";

(c) in paragraph 6(1)(c), after "website" insert "and in the election booklet";

(d) in paragraph 8(1), after "website" insert "or in the election booklet";

(e) in the heading of paragraph 10, after "website" insert "and in the election booklet";

(f) in paragraph 10(2), after "website" insert "and in the election booklet";

(g) in paragraph 10(3), for "The step described in sub-paragraph (2) is to be taken" substitute "The election address is to be included on the website";

(h) in paragraph 11—

(i) in sub-paragraph (a), after "website" insert "and in the election booklet";

(ii) for "paragraph 13" substitute "the provisions of this Schedule";

(i) in paragraph 13, omit sub-paragraphs (1) to (3);

(j) after paragraph 13, insert—

"**Preparation and delivery of the election booklet**

14.—(1) The police area returning officer must prepare and cause to be delivered the election booklet as soon as reasonably practicable after the publication of the statement of persons nominated(**a**).

(2) Copies of the election booklet must be caused by the police area returning officer to be delivered to each place in the police area which constitutes residential premises.

(3) The police area returning officer must, on a request made by any elector, send to that person a copy of the election booklet.

Format and content of the election booklet

15.—(1) The order in which the candidates' election addresses appear in the election booklet must be determined by lot drawn by the police area returning officer as soon as reasonably practicable after the latest time set out in the Table in rule 1 of the PCC elections rules for the delivery of notices of withdrawals of candidature(**b**).

(2) The election booklet must include, in addition to candidates' election addresses, a statement by the police area returning officer—

(a) explaining the nature and purpose of the election booklet;

(b) listing the names of all the candidates at the election (whether or not their election addresses are included in the election booklet) in the same order as on the ballot paper; and

(c) giving the date of the election and such other information about it as the police area returning officer may determine.

(3) The election booklet must—

(a) contain a statement that it has been published by the police area returning officer; and

(b) give the name and address of the police area returning officer and of the printer of the booklet.

(4) Subject to sub-paragraphs (1) to (3), the form of the election booklet is to be determined by the police area returning officer.

Contributions by candidates towards costs of printing

16.—(1) Each candidate by whom an election address is submitted to the police area returning officer for inclusion in the election booklet shall pay to the police area returning officer such reasonable sum (which shall be the same for each such candidate) as the police area returning officer may determine by way of contribution towards the expenses incurred by him in respect of the printing of the election booklet.

(2) The police area returning officer must include details of the amount of the payment required by sub-paragraph (1) in the notice of PCC election issued under rule 4 of the PCC elections rules.

(3) The payment required by sub-paragraph (1) shall be made at such time, and in such manner, as the police area returning officer may determine.

(4) A candidate shall be entitled to a full refund of any such payment if, but only if, the candidate has given notice of withdrawal of his candidature before the latest time set out in the Table in rule 1 of the PCC elections rules for the delivery of notice of withdrawals of candidates.

(**a**) See rule 1 of the PCC elections rules in Schedule 3 in the 2012 Order.
(**b**) See rule 1 of the PCC elections rules in Schedule 3 in the 2012 Order.

(5) If the total amount of the payments made by candidates under this paragraph exceeds the total amount of the expenses incurred by the police area returning officer in respect of the printing of the election booklet, the police area returning officer shall—

(a) divide the amount of the excess between those candidates in equal shares; and

(b) send to each of those candidates a payment in respect of that candidate's share.

(6) Sub-paragraph (5) does not apply to candidates entitled to a refund under sub-paragraph (4), or to payments made by such candidates.

Contributions to printing costs as candidates' election expenses

17.—(1) The amount of any payment made by a candidate under paragraph 16 (or if sub-paragraph (5) of that paragraph applies, the net amount of any such payment after deducting the payment under paragraph (b) of that sub-paragraph) shall be taken, for the purposes of Part III (the election campaign), to be an amount of election expenses incurred by the candidate in relation to the election.

(2) Nothing in article 34 (prohibition of candidate election expenses not authorised by election agent) shall be taken to apply, in relation to any candidate, to any expenses incurred by the police area returning officer in consequence of the provisions of this Order. ".

Home Office *Name*
Date Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes additional provision for the publication of details of candidates, and their election addresses, for election to the office of police and crime commissioner.

Articles 3 and 4 of this Order apply to all elections for police and crime commissioners and extend the provisions in the Police and Crime Commissioner Elections Order 2012 ("the 2012 Order") relating to the publication of the candidates' election addresses on a website in ordinary elections, to all elections. This will have the effect of putting by- elections on the same footing as ordinary elections in respect of the publicity available to candidates.

Articles 7 and 8 of this Order apply only in respect of a by election for a police and crime commissioner occurring as a result of the first vacancy in the office of police and crime commissioner after the coming into force of this Order. These articles amend article 52 of the 2012 Order to the effect that candidates in that election to the office of police and crime commissioner shall be entitled to have their election addresses included in a booklet of election addresses which will be delivered to each household in the police area.

Article 9 of this Order amends Schedule 8 to the 2012 Order to provide further details about how the election booklets will be compiled and delivered. It removes the obligation on the Secretary of State to send out copies of the election addresses (following a request from a person entitled to vote in that election) where an election booklet has been delivered. It imposes a requirement on candidates to pay a contribution to the police area returning officer towards the costs of printing the election booklets.

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