STATUTORY INSTRUMENTS

2001 No. 1736

REPRESENTATION OF THE PEOPLE

The Parliamentary Elections (Returning Officers' Charges) Order 2001

Made - - - -	*2nd May 2001*
Coming into force	*15th May 2001*

In exercise of the powers conferred upon him by section 29(3) of the Representation of the People Act 1983**(a)**, the Secretary of State hereby makes the following Order with the consent of the Treasury:

1.—(1) This Order may be cited as the Parliamentary Elections (Returning Officers' Charges) Order 2001 and shall come into force on 15th May 2001.

(2) This Order shall not extend to Northern Ireland.

(3) The Parliamentary Elections (Returning Officers' Charges) Order 1997**(b)** is hereby revoked.

2.—(1) For the purposes of paragraph (a) of section 29(3) of the Representation of the People Act 1983 (which provides that a returning officer is entitled to recover his charges in respect of services properly rendered or expenses properly incurred for or in connection with a parliamentary election if the services or expenses are of a kind specified in an order made under that provision and the charges are reasonable)—

(a) services of a kind described in paragraph 1 of Part A of the Schedule to this Order (hereinafter referred to as "services specified in Part A of the Schedule");

(b) expenses of a kind described in paragraphs 1(1), 2(1) and 3(1) of Part B of the Schedule to this Order (hereinafter referred to as "expenses specified in Part B of the Schedule"); and

(c) expenses of a kind described in Part C of the Schedule to this Order,

are hereby specified.

(2) The maximum recoverable amounts at a contested election in respect of the services specified in Part A of the Schedule or the expenses specified in Part B of the Schedule are hereby specified as the amounts set out in the right-hand column of those Parts in respect of each entry set out opposite thereto in the left-hand column of those Parts.

(a) 1983 c.2; section 29 has been amended by section 1 of the Representation of the People Act 1991 (c.11) and by the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I. 1991/1728). The functions formerly conferred on the Treasury have been transferred to the Secretary of State by that Order. The powers in section 29(3) are extended by section 29(4) to (4C), as so amended. The powers in section 29(3) have also been extended by regulation 99(3) of the Representation of the People Regulations 1986 (S.I. 1986/1081) and regulation 97(3) of the Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111), as amended by the Representation of the People Act 1991 and S.I. 1991/1728. Section 29(3) has been substituted by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41), but that amendment is not yet in force.

(b) S.I. 1997/1034.

(3) The maximum recoverable amounts at an uncontested election are hereby specified as—

(a) £408.11 in respect of the services specified in Part A of the Schedule, and

(b) £1007.97 in respect of the expenses specified in Part B of the Schedule.

(4) In the Schedule to this Order—

(a) "election" means a parliamentary election,

(b) "combined polls" refers to the poll at a parliamentary election and the poll at some other election when they are taken together under section 15(1) or (2) of the Representation of the People Act 1985**(a)**, and

(c) any reference to the register of electors is to the register of electors used at the election at which the services were rendered or expenses incurred and to that register as it has effect on the last day for publication of notice of the election.

Home Office
23rd April 2001

Mike O'Brien
Parliamentary Under-Secretary of State

We consent to the Order

Jim Dowd
Greg Pope

2nd May 2001

Two of the Lords Commissioners of Her Majesty's Treasury

(a) 1985 c.50.

SCHEDULE

Article 2

SERVICES AND EXPENSES IN RESPECT OF WHICH A RETURNING OFFICER AT A PARLIAMENTARY ELECTION IN GREAT BRITAIN MAY RECOVER HIS CHARGES

PART A: MAXIMUM RECOVERABLE AMOUNTS FOR SERVICES OF A RETURNING OFFICER

1. For a returning officer's services in conducting the election and discharging his duties in connection therewith and in connection with the issue and receipt of the ballot papers for persons entitled to vote by post, the maximum recoverable amount (subject to paragraph 2 or 3 of this Part) is—	£2,000.00
2. For each constituency where there are combined polls for the conduct of which the returning officer is responsible, the maximum recoverable amount is increased by—	£300.00
3. Where, at a general election, a returning officer is responsible for more than three constituencies, the maximum recoverable amount is reduced—	
(a) for each constituency exceeding three but not exceeding six, by—	£250.00
(b) for each constituency exceeding six, by—	£400.00

PART B: EXPENSES OF RETURNING OFFICER FOR WHICH MAXIMUM RECOVERABLE AMOUNTS ARE SPECIFIED

1.—(1) For a returning officer's expenses in respect of the payment of presiding officers at polling stations, including expenses incurred in respect of a person who takes over the duties of a presiding officer on polling day due to the incapacity of the previously appointed presiding officer, in respect of the presiding officer at each polling station, the maximum recoverable amount (subject to sub-paragraphs (2) to (5) below), is—	£135.00
(2) Where a polling station is in a constituency which is wholly contained in a London borough, the maximum recoverable amount is increased by—	£70.00
(3) Where a polling station is in a constituency adjacent to a London borough, the maximum recoverable amount is increased by—	£35.00
(4) Where, at a polling place there is more than one polling station, the maximum recoverable amount in respect of one only of the presiding officers at the polling stations at such a polling place is increased by—	£7.50
(5) Where there are combined polls at a polling station, the maximum recoverable amount is increased by—	£35.00
2.—(1) For a returning officer's expenses in respect of the payment of poll clerks at polling stations, the maximum recoverable amount (subject to sub-paragraphs (2) to (4) below) for the expenses in respect of each poll clerk is—	£80.00
(2) Where a polling station is in a constituency which is wholly contained in a London borough, the maximum recoverable amount is increased by—	£70.00
(3) Where a polling station is in a constituency adjacent to a London borough, the maximum recoverable amount is increased by—	£35.00

(4) Where there are combined polls at a polling station, the maximum recoverable amount is increased by—	£20.00
3.—(1) The maximum recoverable amount for a returning officer's expenses in respect of the payment of persons employed— (a) in connection with the preparation, revision and issue of the official poll cards, and (b) in connection with the issue and receipt of postal ballot papers and the count and any other clerical or other assistance for the purposes of the election, is, subject to sub-paragraphs (2) and (3) below—	£9,500.00
(2) For each recount of the votes ordered by the returning officer, the maximum recoverable amount is increased by—	£450.00
(3) Where there are combined polls for the conduct of which the returning officer is responsible, the maximum recoverable amount for each constituency is increased by—	£1,300.00

PART C: EXPENSES OF RETURNING OFFICER FOR WHICH NO MAXIMUM RECOVERABLE AMOUNTS ARE SPECIFIED

1. Travelling and overnight subsistence expenses of—

(a) the returning officer;

(b) any person appointed under section 28(5) of the Representation of the People Act 1983 or placed at the returning officer's disposal under section 25(2) of that Act**(a)**;

(c) any presiding officer or poll clerk;

(d) any clerical or other assistants employed by the returning officer.

2. Expenses in printing or otherwise producing the ballot papers.

3. Expenses in printing or otherwise producing the official poll cards and in delivering them to the voters, excluding the expenses referred to in paragraph 3(1) of Part B of this Schedule.

4. Expenses in printing or otherwise producing and, where appropriate, publishing notices and other documents required by the Representation of the People Acts.

5. Expenses in renting, heating, lighting and cleaning any building or room.

6. Expenses in adapting any building or room and in restoring it to a fit condition for its normal use.

7. Expenses in the provision of voting compartments and any other furniture necessary for polling stations.

8. Expenses in the provision of ballot boxes and instruments to stamp on the ballot papers the official mark.

9. Expenses in the conveyance to and from the polling stations of—

(a) the ballot boxes and ballot papers, and

(b) the voting compartments, any other furniture necessary for polling stations and the instruments to stamp on the ballot papers the official mark.

(a) Section 25(2) has been amended by paragraph 130(3)(b) of Schedule 13 to the Local Government (Scotland) Act 1994 (c.39).

10. Expenses in the provision of stationery and writing implements and in postage, telephone and bank charges and other miscellaneous items.

11. Expenses in the provision to each polling station of the large version of the ballot paper and of the prescribed device for assisting voters with disabilities.

12. Expenses in connection with the provision of security measures.

13. In a constituency in Scotland, expenses in the supply of copies of the register of electors for use in the conduct of the election.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in Great Britain, revokes and replaces the Parliamentary Elections (Returning Officers' Charges) Order 1997 ("the 1997 Order").

Under section 29(3) of the Representation of the People Act 1983 (as substituted by the Representation of the People Act 1991), the entitlement of a returning officer at a parliamentary election to recover his charges in respect of his services or expenses for or in connection with such an election depends upon—

(a) the services or expenses being of a kind specified in an order under that provision,

(b) the services being properly rendered and the expenses being properly incurred, and

(c) the charges in respect of them being reasonable.

Part A of the Schedule to this Order specifies the kinds of services for which a returning officer is entitled to recover his charges, together with maximum recoverable amounts in respect of those services.

Parts B and C of the Schedule specify the kinds of expenses for which a returning officer is entitled to recover his charges, together (in the case of Part B) with the maximum recoverable amounts in respect of those charges.

Parts A and B of the Schedule to this Order increase the maximum recoverable amounts from those that were specified in the equivalent provision in the 1997 Order, but with some amalgamation of the categories previously specified.

The Order also makes provision for additional payments where the poll at a parliamentary election is taken together with the poll at some other election.

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