EXPLANATORY MEMORANDUM TO

THE POLICE AND CRIME COMMISSIONER ELECTIONS (RETURNING OFFICERS' ACCOUNTS) (AMENDMENT) REGULATIONS 2016

2016 No. 488

1. Introduction

1.1 This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 (S.I. 2012/2088), which set out the manner and form in which returning officers at police and crime commissioner elections must submit an account of their charges. In particular, it reduces the deadline for submission of accounts and amends the definition of "accounting officer" to whom an account must be addressed (such that it must now be submitted to the Cabinet Office rather than the Home Office).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 Functions previously exercisable by the Secretary of State in relation to police and crime commissioner elections ("PCC elections") are now exercisable concurrently with the Chancellor of the Duchy of Lancaster[1]. Policy responsibility for the administration and conduct of PCC elections now lies with the Cabinet Office. The definition of "accounting officer" in the 2012 Regulations is therefore amended so that an account must now be submitted to the accounting officer for the Cabinet Office rather than the Home Office. The time within which an account must be submitted is also reduced from eight months to six months after the declaration of the result of the election to which it relates.

5. Extent and Territorial Application

5.1 This instrument extends to England and Wales.

5.2 The territorial application of this instrument is England and Wales.

[1] By virtue of the Chancellor of the Duchy of Lancaster Order 2015 (S.I. 2015/1376) and the Transfer of Functions (Police and Crime Commissioner Elections) Order 2015 (S.I. 2015/1526).

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 This instrument reduces (from eight months to six months) the deadline for returning officers to submit their accounts after the declaration of the result of the election to which they relate. This change brings PCC elections into line with the timescales applied for the UK Parliamentary elections in 2015, and reflects previous Cabinet Office consultation with the Electoral Commission, the Association of Electoral Administrators and returning officers. It also amends the definition of the "accounting officer" to whom an account must be addressed; it now refers to the accounting officer appointed for the Cabinet Office, rather than for the Home Office as was previously the case. This reflects the change in responsibility for administering the PCC elections, which resides with the Cabinet Office for the 2016 polls.

Consolidation

7.2 None.

8. Consultation outcome

8.1 No consultation was held specifically for these Regulations. However, the revised deadline for returning officers to submit their accounts brings the PCC elections into line with the timescales applied for the UK Parliamentary elections in 2015, and which reflects previous Cabinet Office consultation with the Electoral Commission, the Association of Electoral Administrators and returning officers.

9. Guidance

9.1 The Electoral Commission and Cabinet Office have issued guidance to electoral administrators and returning officers regarding the conduct of the PCC elections. This guidance stipulates that the deadline for returning officers to submit their accounts is six months, which is consistent with the changes set out in these Regulations.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 The Electoral Commission is expected to produce a report on the administration and conduct of the 2016 PCC elections. The Cabinet Office will consider any findings or recommendations made by the Commission that relate to the provisions introduced by this instruments. The Cabinet Office will continue to keep all electoral legislation

under review to ensure it continues to support electors' participation in elections and effective electoral administration.

13. Contact

13.1 Ash Smith at the Cabinet Office Telephone: 020 7271 8991 or email: ash.smith@cabinetoffice.gov.uk can answer any queries regarding the instrument.