STATUTORY INSTRUMENTS

2004 No. 2105

DEVOLUTION, ENGLAND

REFERENDUMS

REPRESENTATION OF THE PEOPLE

The Regional Assembly and Local Government Referendums (Counting Officers' Charges) Order 2004

Made - - - -	*4th August 2004*
Coming into force - -	*5th August 2004*

The First Secretary of State, in exercise of the powers conferred by section 10 of the Regional Assemblies (Preparations) Act 2003, with the consent of the Treasury, and having consulted the Electoral Commission in accordance with section 12(4)(c) of that Act, hereby makes the following Order, a draft of which has been approved by resolution of each House of Parliament:

Citation and commencement

1. This Order may be cited as the Regional Assembly and Local Government Referendums (Counting Officers' Charges) Order 2004 and shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—

"ballot paper returned" means a ballot paper returned in the voting area for which the counting officer acts;

"counting officer" means—

(a) in relation to a Regional Assembly referendum, the person appointed under section 128(3) of the Political Parties, Elections and Referendums Act 2000(**a**) as the counting officer for a voting area;

(b) in relation to a Regional Assembly referendum and local government referendum where the polls are combined, the person—

(i) who is the counting officer referred to in paragraph (a); and

(ii) who, pursuant to an order made under Part 1 of the Preparations Act 2003, is the counting officer for the local government referendum for the same voting area;

"local government referendum" means a referendum held pursuant to section 2(2) of the Preparations Act 2003;

(**a**) 2000 c. 41.

"the Preparations Act 2003" means the Regional Assemblies (Preparations) Act 2003;

"Regional Assembly referendum" means a referendum held pursuant to section 1 of the Preparations Act 2003;

"the register of electors" means, except in article 4, the part of the register used at the referendum at which the services were rendered or expenses incurred, in relation to the voting area for which the counting officer acts;

"voting area" means one of the following where comprised in the referendum area—

(a) a district in England,

(b) the Isle of Wight,

(c) the Isles of Scilly.

Amounts payable to counting officers

3.—(1) On an account being submitted to the Electoral Commission by the counting officer within 6 months of the date of the referendum concerned, the Electoral Commission shall, subject to paragraphs (2) to (4), pay the reasonable charges of the counting officer in respect of any services properly rendered or expenses properly incurred by him in connection with a Regional Assembly referendum or a local government referendum.

(2) The maximum amount payable to a counting officer under paragraph (1) for a Regional Assembly referendum at which the poll in his voting area is not held in combination with any other poll, shall be the aggregate of—

(a) 115 pence per elector on the register of electors, and

(b) 22 pence for each ballot paper returned.

(3) Where the poll at a Regional Assembly referendum in a counting officer's voting area is held in combination only with the poll at a local government referendum, the maximum amount payable to a counting officer pursuant to paragraph (1) for those referendums shall be the aggregate of—

(a) 173 pence per elector on the register of electors, and

(b) 22 pence—

(i) for each ballot paper returned, where the ballot paper used at the Regional Assembly referendum and the local government referendum is a combined ballot paper; or

(ii) where separate ballot papers are used at the Regional Assembly referendum and the local government referendum, for each ballot paper returned at the poll at which the greater number of ballot papers is returned.

(4) Where the poll at a Regional Assembly referendum in a counting officer's voting area is held in combination with a poll pursuant to section 7(1) of the Preparations Act 2003 and which is not a local government referendum, the maximum amount payable to a counting officer pursuant to paragraph (1) for a Regional Assembly referendum and any local government referendum with which it is held in combination in that voting area, shall be the aggregate of—

(a) 58 pence per elector on the register of electors, and

(b) 10 pence—

(i) for each ballot paper returned, where the ballot paper used at the Regional Assembly referendum and the local government referendum is a combined ballot paper; or

(ii) where separate ballot papers are used at the Regional Assembly referendum and the local government referendum, for each ballot paper returned at the poll at which the greater number of ballot papers is returned.

(5) The Electoral Commission may pay more than the maximum amount calculated in accordance with paragraphs (2) to (4), if the Commission is satisfied that—

(a) the charges made for services properly rendered and expenses properly incurred are of a reasonable amount; and

(b) it was reasonable for the counting officer concerned to have rendered the services or incurred the expenditure in question.

Advances

4.—(1) Subject to paragraph (2), on the counting officer's request for an advance on account of his charges, the Electoral Commission may, on such terms as the Commission shall think fit, make such an advance to a maximum of 104 pence per elector on the register of electors.

(2) Where either the poll at a Regional Assembly referendum, or the polls at a Regional Assembly referendum and a local government referendum which are combined, is, or are, to be held in combination with another poll pursuant to section 7(1) of the Preparations Act 2003, the advance may not exceed 52 pence per elector on the register of electors.

(3) Where the advance made by the Electoral Commission to a counting officer under paragraph (1) or paragraph (2) is greater than the amount the Electoral Commission determines should be paid to that counting officer under article 3 the difference between the sum advanced and the sum determined shall be refunded by the counting officer to the Commission.

(4) In this article "the register of electors" means the part of the register to be used at the referendum in relation to the voting area for which the counting officer acts, at the date on which the order is made under section 1 of the Preparations Act 2003 causing the Regional Assembly referendum to be held.

Superannuation payments to local authorities

5. Where the superannuation contributions required to be paid by a local authority in respect of any person are increased as a consequence of a fee paid as part of a counting officer's charges under this Order, then, on an account being submitted to the Electoral Commission within six months of the date of the referendum concerned, the Commission shall pay to that authority a sum equal to that increase.

Signed by authority of the First Secretary of State

Nick Raynsford
Minister of State
22nd July 2004 Office of the Deputy Prime Minister

We consent to this Order

John Heppell

4th August 2004 *Joan Ryan*

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the payment by the Electoral Commission, subject to the limits specified in article 3, of the charges of counting officers at referendums held under sections 1 and 2 of the Regional Assemblies (Preparations) Act 2003. The Commission may make payments above the specified limits under article 3(5). Article 4 provides for the Commission to make advance payments to counting officers. Article 5 makes provision for the reimbursement of any additional superannuation costs incurred by local authorities as a consequence of a fee paid as part of a counting officer's charges.

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.
E1132 8/2004 141132T 19585

ISBN 0-11-049695-7

9 780110 496955