POLICY NOTE

THE SCOTTISH PARLIAMENT ELECTIONS (RETURNING OFFICER FEES AND CHARGES) REGULATIONS 2021

SSI 2021/155

1. The Scottish Parliament Elections (Returning Officer Fees and Charges) Regulations 2021 are made in exercise of the powers conferred by article 18 of the Scottish Parliament (Elections etc.) Order 2015 (S.S.I 2015/425). These Regulations are not subject to Parliamentary procedure.

Policy Objectives

2. Article 18(2) of the Scottish Parliament (Elections etc.) Order 2015 provides that the Scottish Ministers may make Regulations setting out the maximum amounts that regional returning officers and constituency returning officers can claim for specified services and expenses incurred in connection with Scottish parliamentary elections.

3. These Regulations specify the areas of expenditure incurred in the course of conducting the poll at a Scottish parliamentary election for which regional returning officers and constituency returning officers may be reimbursed. In recognition of their personal responsibilities, it provides that regional returning officers and constituency returning officers may claim an amount for discharging their duties at, and making arrangements for, the election. The Regulations sets a maximum amount limiting how much the relevant regional returning officer or constituency returning officer may claim for specified charges and expenses. This is in line with the funding arrangements for other elections in the UK.

Consultation

4. The Scottish Government consulted with the Electoral Management Board, regional returning officers and constituency returning officers in the preparation of these Regulations.

Financial Effects

5. Costs are initially borne by local authorities, but are reimbursed by the Scottish Government. In line with standard practice, a payment of about 75% of the maximum recoverable amount will be paid to regional returning officers and constituency returning officers ahead of the poll, which will reduce the financial pressures on local authorities. However, final payments will only be made following the auditing of accounts which are be submitted in accordance with regulation 9.

Impact Assessments

6. The Regulations have no impact on the environment, privacy, equality or children's rights and therefore no Impact Assessments are required for those areas.

Business and Regulatory Impact Assessment (BRIA)

7. The Scottish Government do not consider that that a BRIA is necessary as these Regulations will not lead to any new costs or savings for business, third or public sector organisations, regulators or consumers. There is no new additional cost on the public sector, as the Scottish Government will meet the costs incurred in connection with Scottish parliamentary elections, and there is no transfer of costs or benefits from one group to another.

Scottish Government
Directorate for Constitution and Cabinet
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