STATUTORY INSTRUMENTS

2011 No. 1013 (S. 2)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

REPRESENTATION OF THE PEOPLE

The Scottish Parliament (Returning Officers' Charges) Order 2011

Made - - - -	*30th March 2011*
Coming into force - -	*31st March 2011*

The Secretary of State, in exercise of the powers conferred by section 29(3), (3A) and (4C) of the Representation of the People Act 1983(**a**), as applied and modified by article 18 of the Scottish Parliament (Elections etc.) Order 2010(**b**), makes the following Order with the consent of the Treasury(**c**):

Citation and commencement

1. This Order may be cited as the Scottish Parliament (Returning Officers' Charges) Order 2011 and shall come into force on the day after the day on which it is made.

Interpretation

2.—(1) In this Order—

"the 1983 Act" means the Representation of the People Act 1983;

"the 2010 Order" means the Scottish Parliament (Elections etc.) Order 2010;

"combined" means taken together with another poll under article 13 of the 2010 Order (combination of polls) or section 4 of the Parliamentary Voting System and Constituencies Act 2011(**d**) (combination of polls);

(**a**) 1983 c. 2; section 29 was amended by the Representation of the People Act 1991 (c.11), section 1; the Representation of the People Act 2000 (c.2), Schedule 6, paragraph 4; the Electoral Administration Act 2006 (c.22), section 68 and S.I. 1991/1728. It will be amended by the Political Parties, Elections and Referendums Act 2000 (c.41), Schedule 21, paragraph 6(3) and the Electoral Administration Act 2006, Schedule 1, paragraph 107(2), but these amendments are not yet in force. Section 29 is, in relation to a Scottish parliamentary election for which the poll is taken together with the poll for a local government election under article 13 of the Scottish Parliament (Elections etc.) Order 2010 (S.I. 2010/2999), modified by paragraph 3 of Schedule 5 to that Order. In relation to a Scottish parliamentary general election the poll for which is taken together with that for the referendum on the alternative vote system under section 4 of the Parliamentary Voting System and Constituencies Act 2011 (c.1), section 29 is modified by paragraph 4 of Schedule 7 to that Act.

(**b**) S.I. 2010/2999.

(**c**) The consent of the Treasury is required by section 29(9) of the Representation of the People Act 1983.

(**d**) 2011 c. 1.

"constituency" means a constituency provided for by Schedule 1 to the Scotland Act 1998(**a**);

"constituency returning officer" means the person who is, in accordance with article 14 of the 2010 Order, the constituency returning officer for a Scottish parliamentary election;

"regional returning officer" means a regional returning officer for the purposes of the Scotland Act 1998(**b**); and

"Scottish parliamentary election" means an election for membership of the Scottish Parliament.

(2) In this Order, references to section 29 of the 1983 Act (payments by and to returning officer) are to that section as applied and modified by article 18 of the 2010 Order.

Constituency Returning Officers

Overall maximum recoverable amount

3. For the purposes of section 29(3)(b) of the 1983 Act the overall maximum recoverable amount for the constituency returning officer for a constituency is—

(a) where the poll at a Scottish parliamentary election is not combined, the amount listed opposite that constituency in column 4 of the table in the Schedule;

(b) where the poll at a Scottish parliamentary election is combined, the amount so listed in column 7 of that table; or

(c) where the election is uncontested, £1,888.

Maximum recoverable amount for specified services

4.—(1) For the purposes of section 29(3A) of the 1983 Act the maximum recoverable amount for the services specified in paragraph (2) for the constituency returning officer for a constituency is—

(a) where the poll at a Scottish parliamentary election is not combined, the amount listed opposite that constituency in column 2 of the table in the Schedule;

(b) where the poll at a Scottish parliamentary election is combined, the amount so listed in column 5 of that table; or

(c) where the election is uncontested, £544.

(2) The specified services are—

(a) conducting the election;

(b) discharging the constituency returning officer's duties at the election; and

(c) making arrangements for the election.

Maximum recoverable amount for specified expenses

5.—(1) For the purposes of section 29(3A) of the 1983 Act the maximum recoverable amount for the expenses specified in paragraph (2) for the constituency returning officer for a constituency is—

(a) where the poll at a Scottish parliamentary election is not combined, the amount listed opposite that constituency in column 3 of the table in the Schedule;

(b) where the poll at a Scottish parliamentary election is combined, the amount so listed in column 6 of that table; or

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(**a**) 1998 c.46; Schedule 1 was amended by the Scottish Parliament (Constituencies) Act 2004 (c. 13) and by S.I. 2010/2691. The constituencies are now those specified in Schedule 1 to S.I. 2010/2691 as well as those of the Orkney Islands and the Shetland Islands.

(**b**) See S.I. 2011/576.

(c) where the election is uncontested, £1,344.

(2) The specified expenses are—

(a) the appointment and payment of persons to assist the constituency returning officer;

(b) travel and overnight subsistence for the constituency returning officer and any person appointed to assist the constituency returning officer;

(c) the costs of the nomination process;

(d) printing or otherwise producing the ballot papers;

(e) printing, producing or purchasing postal vote stationery;

(f) printing or otherwise producing and arranging for the delivery of poll cards;

(g) printing or otherwise producing and, where appropriate, publishing notices and any other documents required by any enactment for or in connection with the election;

(h) renting, heating, lighting, cleaning, adapting, or restoring any building or room;

(i) providing and transporting equipment;

(j) providing information and communications technology equipment and software and associated costs;

(k) providing security, including any necessary secure storage of ballot boxes, ballot papers and verification documents;

(l) conducting the verification and the count;

(m) providing and receiving training; and

(n) providing stationery and meeting postage, telephone, printing, translation and banking costs and the costs of other miscellaneous items.

Regional Returning Officers

Overall maximum recoverable amount

6. For the purposes of section 29(3)(b) of the 1983 Act the overall maximum recoverable amount for a regional returning officer is—

(a) where the election is contested, £1,255; or

(b) where the election is uncontested, £378.

Maximum recoverable amount for specified services

7.—(1) For the purposes of section 29(3A) of the 1983 Act the maximum recoverable amount for the services specified in paragraph (2) for a regional returning officer is—

(a) where the election is contested, £697; or

(b) where the election is uncontested, £109.

(2) The specified services are—

(a) discharging the regional returning officer's duties at the election; and

(b) making arrangements for the election.

Maximum recoverable amount for specified expenses

8.—(1) For the purposes of section 29(3A) of the 1983 Act the maximum recoverable amount for the expenses specified in paragraph (2) for a regional returning officer is—

(a) where the election is contested, £558; or

(b) where the election is uncontested, £269.

(2) The specified expenses are—

(a) the appointment and payment of persons to assist the regional returning officer;

(b) travel and overnight subsistence for the regional returning officer and any person appointed to assist the regional returning officer;

(c) printing or otherwise producing and, where appropriate, publishing notices and any other documents required by any enactment for or in connection with the election;

(d) renting, heating, lighting, cleaning, adapting or restoring any building or room;

(e) providing and transporting equipment;

(f) providing training; and

(g) providing stationery and meeting postage, telephone, printing, translation and banking costs and the costs of other miscellaneous items including those which are incurred in collating the results of the election.

Revocation

9. The Scottish Parliamentary Elections (Returning Officers' Charges) Order 2007(**a**) is revoked.

Signed by authority of the Secretary of State

DAVID MUNDELL
Parliamentary Under Secretary of State
Scotland Office

Dover House
29 March 2011

We consent

MICHAEL FABRICANT

BROOKS NEWMARK
Two of the Lords Commissioners of Her Majesty's Treasury

30 March 2011

(**a**) S. I. 2007/1354.

SCHEDULE

Articles 3, 4 and 5

Overall maximum recoverable amounts and maximum recoverable amounts for returning officers' specified services and specified expenses for Scottish Parliament constituencies

(1)	*(2)*	*(3)*	*(4)*	*(5)*	*(6)*	*(7)*
	POLL AT SCOTTISH PARLIAMENTARY ELECTION TAKEN ALONE			POLL AT SCOTTISH PARLIAMENTARY ELECTION COMBINED WITH ANOTHER POLL		
Constituency	Maximum recoverable amount for the specified services	Maximum recoverable amount for the specified expenses	Overall maximum recoverable amount	Maximum recoverable amount for the specified services	Maximum recoverable amount for the specified expenses	Overall maximum recoverable amount
Aberdeen Central	£2,682	£145,968	£148,650	£2,682	£111,145	£113,827
Aberdeen Donside	£2,668	£141,395	£144,063	£2,668	£108,027	£110,695
Aberdeen South and North Kincardine	£2,606	£138,215	£140,821	£2,606	£107,069	£109,675
Aberdeenshire East	£2,628	£156,309	£158,937	£2,628	£116,031	£118,659
Aberdeenshire West	£2,550	£157,313	£159,863	£2,550	£116,145	£118,695
Airdrie and Shotts	£2,500	£130,858	£133,358	£2,500	£95,905	£98,405
Almond Valley	£2,887	£155,883	£158,770	£2,887	£116,056	£118,943
Angus North and Mearns	£2,500	£143,617	£146,117	£2,500	£105,250	£107,750
Angus South	£2,611	£156,469	£159,080	£2,611	£113,975	£116,586
Argyll and Bute	£2,500	£180,087	£182,587	£2,500	£126,115	£128,615
Ayr	£2,943	£161,407	£164,350	£2,943	£124,792	£127,735
Banffshire and Buchan Coast	£2,698	£152,470	£155,168	£2,698	£114,536	£117,234

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	POLL AT SCOTTISH PARLIAMENTARY ELECTION TAKEN ALONE			POLL AT SCOTTISH PARLIAMENTARY ELECTION COMBINED WITH ANOTHER POLL		
Constituency	Maximum recoverable amount for the specified services	Maximum recoverable amount for the specified expenses	Overall maximum recoverable amount	Maximum recoverable amount for the specified services	Maximum recoverable amount for the specified expenses	Overall maximum recoverable amount
Caithness, Sutherland and Ross	£2,676	£164,710	£167,386	£2,676	£117,655	£120,331
Carrick, Cumnock and Doon Valley	£2,863	£162,302	£165,165	£2,863	£122,908	£125,771
Clackmannanshire and Dunblane	£2,500	£146,201	£148,701	£2,500	£106,228	£108,728
Clydebank and Milngavie	£2,563	£146,382	£148,945	£2,563	£106,566	£109,129
Clydesdale	£2,715	£148,679	£151,394	£2,715	£110,596	£113,311
Coatbridge and Chryston	£2,500	£121,939	£124,439	£2,500	£90,820	£93,320
Cowdenbeath	£2,579	£131,677	£134,256	£2,579	£99,212	£101,791
Cumbernauld and Kilsyth	£2,500	£115,666	£118,166	£2,500	£86,889	£89,389
Cunninghame North	£2,698	£145,728	£148,426	£2,698	£109,135	£111,833
Cunninghame South	£2,500	£126,742	£129,242	£2,500	£94,725	£97,225
Dumbarton	£2,608	£157,415	£160,023	£2,608	£114,324	£116,932
Dumfriesshire	£2,840	£170,376	£173,216	£2,840	£126,859	£129,699
Dundee City East	£2,573	£128,917	£131,490	£2,573	£99,078	£101,651
Dundee City West	£2,500	£126,045	£128,545	£2,500	£96,246	£98,746
Dunfermline	£2,606	£143,273	£145,879	£2,606	£108,011	£110,617
East Kilbride	£2,815	£132,440	£135,255	£2,815	£102,638	£105,453
East Lothian	£2,646	£146,709	£149,355	£2,646	£112,734	£115,380
Eastwood	£2,500	£130,349	£132,849	£2,500	£100,543	£103,043

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	POLL AT SCOTTISH PARLIAMENTARY ELECTION TAKEN ALONE			POLL AT SCOTTISH PARLIAMENTARY ELECTION COMBINED WITH ANOTHER POLL		
Constituency	Maximum recoverable amount for the specified services	Maximum recoverable amount for the specified expenses	Overall maximum recoverable amount	Maximum recoverable amount for the specified services	Maximum recoverable amount for the specified expenses	Overall maximum recoverable amount
Edinburgh Central	£2,712	£136,752	£139,464	£2,712	£104,724	£107,436
Edinburgh Eastern	£2,776	£127,166	£129,942	£2,776	£99,706	£102,482
Edinburgh Northern and Leith	£2,724	£145,440	£148,164	£2,724	£111,062	£113,786
Edinburgh Pentlands	£2,578	£144,948	£147,526	£2,578	£110,569	£113,147
Edinburgh Southern	£2,669	£139,919	£142,588	£2,669	£107,884	£110,553
Edinburgh Western	£2,747	£147,779	£150,526	£2,747	£113,399	£116,146
Na h-Eileanan an Iar	£2,500	£74,927	£77,427	£2,500	£52,959	£55,459
Ettrick, Roxburgh and Berwickshire	£2,601	£169,750	£172,351	£2,601	£119,464	£122,065
Falkirk East	£2,765	£126,692	£129,457	£2,765	£96,457	£99,222
Falkirk West	£2,698	£127,755	£130,453	£2,698	£96,919	£99,617
Galloway and West Dumfries	£2,724	£173,355	£176,079	£2,724	£127,172	£129,896
Glasgow Anniesland	£2,570	£123,240	£125,810	£2,570	£92,948	£95,518
Glasgow Cathcart	£2,773	£128,614	£131,387	£2,773	£96,988	£99,761
Glasgow Kelvin	£2,803	£121,022	£123,825	£2,803	£92,688	£95,491
Glasgow Maryhill and Springburn	£2,606	£120,516	£123,122	£2,606	£91,426	£94,032
Glasgow Pollok	£2,709	£118,483	£121,192	£2,709	£91,039	£93,748
Glasgow Provan	£2,500	£114,498	£116,998	£2,500	£87,054	£89,554
Glasgow Shettleston	£2,501	£118,409	£120,910	£2,501	£88,568	£91,069
Glasgow Southside	£2,500	£106,109	£108,609	£2,500	£81,901	£84,401

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	POLL AT SCOTTISH PARLIAMENTARY ELECTION TAKEN ALONE			POLL AT SCOTTISH PARLIAMENTARY ELECTION COMBINED WITH ANOTHER POLL		
Constituency	Maximum recoverable amount for the specified services	Maximum recoverable amount for the specified expenses	Overall maximum recoverable amount	Maximum recoverable amount for the specified services	Maximum recoverable amount for the specified expenses	Overall maximum recoverable amount
Greenock and Inverclyde	£2,708	£140,383	£143,091	£2,708	£108,636	£111,344
Hamilton, Larkhall and Stonehouse	£2,756	£131,115	£133,871	£2,756	£101,314	£104,070
Inverness and Nairn	£2,960	£178,714	£181,674	£2,960	£132,525	£135,485
Kilmarnock and Irvine Valley	£2,934	£150,531	£153,465	£2,934	£115,361	£118,295
Kirkcaldy	£2,863	£145,550	£148,413	£2,863	£110,290	£113,153
Linlithgow	£3,018	£165,479	£168,497	£3,018	£122,536	£125,554
Mid Fife and Glenrothes	£2,583	£133,172	£135,755	£2,583	£100,704	£103,287
Midlothian North and Musselburgh	£2,736	£135,008	£137,744	£2,736	£102,543	£105,279
Midlothian South, Tweeddale and Lauderdale	£2,760	£159,629	£162,389	£2,760	£116,132	£118,892
Moray	£2,696	£145,738	£148,434	£2,696	£110,029	£112,725
Motherwell and Wishaw	£2,626	£127,363	£129,989	£2,626	£94,753	£97,379
North East Fife	£2,852	£151,574	£154,426	£2,852	£113,644	£116,496
Orkney Islands	£2,500	£48,596	£51,096	£2,500	£36,659	£39,159
Paisley	£2,500	£132,469	£134,969	£2,500	£102,214	£104,714
Perthshire North	£2,513	£152,352	£154,865	£2,513	£118,959	£121,472

(1)	*(2)*	*(3)*	*(4)*	*(5)*	*(6)*	*(7)*
	POLL AT SCOTTISH PARLIAMENTARY ELECTION TAKEN ALONE			POLL AT SCOTTISH PARLIAMENTARY ELECTION COMBINED WITH ANOTHER POLL		
Constituency	Maximum recoverable amount for the specified services	Maximum recoverable amount for the specified expenses	Overall maximum recoverable amount	Maximum recoverable amount for the specified services	Maximum recoverable amount for the specified expenses	Overall maximum recoverable amount
Perthshire South and Kinross-shire	£2,684	£158,485	£161,169	£2,684	£123,638	£126,322
Renfrewshire North and West	£2,500	£128,538	£131,038	£2,500	£97,849	£100,349
Renfrewshire South	£2,500	£126,742	£129,242	£2,500	£96,499	£98,999
Rutherglen	£2,804	£117,599	£120,403	£2,804	£87,826	£90,630
Shetland Islands	£2,500	£55,823	£58,323	£2,500	£39,318	£41,818
Skye, Lochaber and Badenoch	£2,713	£168,989	£171,702	£2,713	£120,924	£123,637
Stirling	£2,522	£151,075	£153,597	£2,522	£110,806	£113,328
Strathkelvin and Bearsden	£2,863	£140,477	£143,340	£2,863	£108,891	£111,754
Uddingston and Bellshill	£2,709	£127,686	£130,395	£2,709	£96,120	£98,829

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the maximum amounts which are to be recoverable by returning officers for their services and expenses in connection with the conduct of elections for membership of the Scottish Parliament.

Regional returning officers are responsible for receiving the regional lists of candidates from registered political parties, receiving the nominations of individual candidates to be regional members for their region, calculating the regional figures for the purpose of allocating regional member seats to registered political parties or individual candidates and co-ordinating the functions of the constituency returning officers in their region, insofar as they relate to the poll for the return of the regional members.

Constituency returning officers are responsible for all other functions in connection with the elections, including the counting of votes for the return of constituency members and the counting of the regional votes.

Under section 29 of the Representation of the People Act 1983 (which is applied, with modifications, to Scottish parliamentary elections by article 18 of the Scottish Parliament (Elections etc.) Order 2010) constituency returning officers and regional returning officers are entitled to recover their charges for services rendered and expenses incurred provided that they were necessarily rendered or incurred and do not exceed the overall maximum recoverable amount specified by the Secretary of State in an order. Section 29(3A) also enables the Secretary of State to specify in such an order a maximum recoverable amount for particular services or expenses.

Articles 3, 4 and 5 specify, for constituency returning officers, the overall maximum recoverable amounts, the maximum recoverable amount for specified services and the maximum recoverable amount for specified expenses respectively. For contested elections, the amounts are specified separately for each constituency in the Schedule, and different amounts apply depending on whether the poll for a Scottish parliamentary election is taken alone or is combined with the poll for another election or referendum. For uncontested elections the amounts are as specified in those articles and apply to all the constituencies.

Articles 6, 7 and 8 specify, for regional returning officers, the overall maximum recoverable amounts, the maximum recoverable amount for specified services and the maximum recoverable amount for specified expenses respectively. The amounts apply for each region. (The regions are those specified in the Scottish Parliament (Constituencies and Regions) Order 2010 (S.I. 2010/2691)). Different amounts apply depending on whether the Scottish parliamentary election is contested or uncontested. The amounts specified for contested elections (see articles 6(a), 7(1)(a) and 8(1)(a)) apply whether or not the poll at a Scottish parliamentary election is taken alone or combined with the poll for another election or referendum.

Article 9 revokes the Scottish Parliamentary Elections (Returning Officers' Charges) Order 2007. That Order specified the maximum charges applicable under section 29 of the Representation of the People Act 1983 (as applied with modifications) prior to its amendment by section 68 of the Electoral Administration Act 2006. The maximum charges specified in that Order are therefore not directly comparable with those specified in the present Order.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.

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CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

REPRESENTATION OF THE PEOPLE

The Scottish Parliament (Returning Officers' Charges) Order 2011

£5.75

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