STATUTORY INSTRUMENTS

2007 No. 1354 (S. 4)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

REPRESENTATION OF THE PEOPLE

The Scottish Parliamentary Elections (Returning Officers' Charges) Order 2007

Made - - - - 24th April 2007

Coming into force in accordance with article 1

The Secretary of State for Scotland makes the following Order, with the consent of the Treasury, in exercise of the powers conferred by section 29(3), (4), (4C) and (8A) of the Representation of the People Act 1983(**a**), as applied and modified by article 19 of the Scottish Parliament (Elections etc.) Order 2007(**b**):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scottish Parliamentary Elections (Returning Officers' Charges) Order 2007 and shall come into force on the day after the day on which it is made.

(2) In this Order–

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

"the 2007 Order" means the Scottish Parliament (Elections etc.) Order 2007;

"by-election" means an election held to fill the vacant seat of a constituency member of the Scottish Parliament under section 9 of the Scotland Act 1998(**c**);

"combined polls" means the poll at a Scottish parliamentary election and the poll at a local government election when they are taken together under article 14 of the 2007 Order;

"constituency returning officer" means the officer who, in accordance with article 15 of the 2007 Order, is the constituency returning officer for a Scottish parliamentary election in a constituency;

"general election" means an ordinary general election for membership of the Scottish Parliament;

(**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, and by the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I. 1991/1728); the functions formerly conferred on the Treasury were transferred to the Secretary of State by that Order. Subsection (8A) was inserted by Article 19 of the Scottish Parliament (Elections etc.) Order 2007 (S.I. 2007/xxx) ("the 2007 Order"). The powers conferred in section 29(3) as applied and modified by article 19 of the 2007 Order have been extended by paragraph 3(3) of Schedule 5 to the 2007 Order. Section 29 is amended by the Political Parties, Elections and Referendums Act 2000 (c.41), Schedule 21, paragraph 6(3) and further amended by the Electoral Administration Act 2006 (c.22), section 68, Schedule 1 paragraph 107 and Schedule 2 paragraph 1; none of these amendments are yet in force.

(**b**) S.I. 2007/937.

(**c**) 1998 c.46.

"information officer" means a person appointed to provide information and guidance at a polling station to voters regarding the voting systems being used at combined polls;

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

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

and any other expressions used in this Order which are also used in the Scotland Act 1998 have the same meaning in this Order as they have in that Act.

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

Revocation

2. The Scottish Parliamentary Elections (Returning Officers' Charges) Order 2003(**b**) is hereby revoked.

Constituency returning officers

3.—(1) For the purposes of paragraph (a) of section 29(3) of the 1983 Act, as applied and modified by article 19 of the 2007 Order–

(a) the services of a constituency returning officer which are of a kind described in Part A of the Schedule (hereafter referred to as "services specified in Part A of the Schedule");

(b) the expenses of a constituency returning officer which are of a kind described in paragraphs 1(1), 2(1), 3(1), 4 and 5 of Part B of the Schedule (hereafter referred to as "expenses specified in Part B of the Schedule"); and

(c) the expenses of a constituency returning officer which are of a kind described in Part C of the Schedule,

are hereby specified.

(2) The maximum recoverable amounts of a constituency returning officer 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–

(a) in the case of a general election, the amounts set out in column 2 of those Parts; and

(b) in the case of a by-election, the amounts set out in column 3 of those Parts,

in respect of each entry set out opposite thereto in column 1 of those Parts.

Regional returning officers

4.—(1) For the purposes of paragraph (a) of section 29(3) of the 1983 Act as applied and modified by article 19 of the 2007 Order–

(a) the services of a regional returning officer in conducting a general election and discharging his duties;

(b) the expenses of a regional returning officer in respect of the payment of persons employed in connection with the calculation of regional figures for the purpose of section 7 of the Scotland Act 1998 and the allocation of seats to regional members under section 8 of that Act;

(c) the travelling and overnight subsistence expenses of–

(i) a regional returning officer;

(**a**) See S.I. 1999/829.
(**b**) S.I. 2003/122.

(ii) officers whose services are placed at a regional returning officer's disposal under article 16(2) of the 2007 Order;

(iii) clerical and other assistants employed by a regional returning officer;

(d) the expenses of a regional returning officer in printing or otherwise producing the ballot papers;

(e) the expenses of a regional returning officer in printing or otherwise producing and, where appropriate, publishing notices and other documents required by the 2007 Order; and

(f) the expenses of a regional returning officer in the provision of stationery and writing implements and the expenses of postage, telephone and bank charges and other miscellaneous items,

are hereby specified.

(2) The maximum recoverable amounts of a regional returning officer at a contested election are hereby specified as–

(a) £614 in respect of the services in paragraph (1)(a); and

(b) £491 in respect of the expenses specified in paragraph (1)(b).

Uncontested elections – regional returning officers

5. Where the return of regional members at a general election is uncontested, the maximum recoverable amounts of a regional returning officer are hereby specified as–

(a) £96 in respect of the services specified in paragraph (1)(a) of article 4; and

(b) £237 in respect of the expenses specified in paragraph (1)(b) of article 4.

Uncontested elections – constituency returning officers

6.—(1) Where, at a general election, the return of regional members or, as the case may be, the return of constituency members is uncontested, the maximum recoverable amounts of a constituency returning officer in respect of–

(a) the services specified in Part A of the Schedule; and

(b) the expenses specified in Part B of the Schedule,

are hereby specified as the amounts which are the same as the amounts set out in column 3 of those Parts in respect of each entry set out opposite thereto in column 1 of those Parts.

(2) Where the return of constituency members at a by-election is uncontested, or, as the case may be, where at a general election the return of regional members and the return of constituency members are both uncontested, the maximum recoverable amounts of a constituency returning officer are hereby specified as–

(a) £479 in respect of the services specified in Part A of the Schedule; and

(b) £1183 in respect of the expenses specified in Part B of the Schedule.

DAVID CAIRNS
Parliamentary Under Secretary of State,
Scotland Office,
Department for Constitutional Affairs,

Melville Crescent,
Edinburgh
22nd April 2007

We consent to this Order

K. BRENNAN
ALAN CAMPBELL
Two of the Lords Commissioners of
Her Majesty's Treasury

24th April 2007

SCHEDULE

Articles 3 and 6

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

PART A

Services of Constituency Returning Officer for which maximum recoverable amounts are specified

1 *Entry*	*2* *General Election*	*3* *By-election*
1. For a constituency returning officer's services in conducting a Scottish Parliamentary 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 paragraphs 2 and 3 of this Part) is–	£3,405	£2,348
2. For each constituency where there are combined polls for the conduct of which the constituency returning officer is responsible, the maximum recoverable amount is increased by–	£352	£352
3. Where, at a Scottish Parliamentary election, a constituency 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–	£426	£294
(b) for each constituency exceeding six, by–	£681	£470

PART B

Expenses of Constituency Returning Officer for which maximum recoverable amounts are specified

1 *Entry*	*2* *General Election*	*3* *By-election*
1.—(1) For a constituency returning officer's expenses in the payment of presiding officers at polling stations, (including expenses incurred in respect of having persons available to take over the duties of a presiding officer on polling day should the appointed officer be unable to act), the maximum recoverable amount in respect of the presiding officer at each polling station (and each such member of stand-by staff) is (subject to sub-paragraphs (2) and (3))–	£200	£158

1 *Entry*	*2* *General Election*	*3* *By-election*
(2) 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–	£18	£9
(3) Where there are combined polls at a polling station, the maximum recoverable amount is increased by–	£41	£41
2.—(1) For a constituency returning officer's expenses in respect of the payment of poll clerks at polling stations, the maximum recoverable amount (subject to sub-paragraph (2)) for the expenses in respect of each poll clerk is–	£117	£94
(2) Where there are combined polls at a polling station, the maximum recoverable amount is increased by–	£23	£23
3.—(1) The maximum recoverable amount for a constituency returning officer's expenses in respect of the payment of persons (including companies) employed in connection with– (a) the preparation, revision and issue of the official poll cards and notifications, and (b) the issue and receipt of postal ballot papers, confirmation of papers received, the count and any other clerical assistance for the purposes of the election, is, (subject to sub-paragraphs (2) and (3))–	£15,000	£11,153
(2) For each recount of the votes ordered by the constituency returning officer, the maximum recoverable amount is increased by–	£528	£528
(3) Where there are combined polls for the conduct of which the constituency returning officer is responsible, the maximum recoverable amount for each constituency is increased by–	£1,526	£1,526
4. The maximum recoverable amount for a constituency returning officer's expenses in arranging training for presiding officers, poll clerks, information officers and members of counting staff, including accommodation costs and payments to those delivering and attending training, is the number of such persons who attend one or more training courses multiplied by–	£50	nil
5. For a constituency returning officer's expenses in respect of the payment of information officers at polling stations, the maximum recoverable amount, for the expenses in respect of each information officer, is–	£160	nil

PART C

Expenses of Constituency Returning Officer for which no maximum recoverable amounts are specified

1. Travelling and overnight subsistence expenses of–

   (a) the constituency returning officer;

   (b) officers whose services are placed at the constituency returning officer's disposal under article 16(1) of the 2007 Order;

   (c) presiding officers, poll clerks and information officers; and

   (d) clerical and other assistants employed by the constituency returning officer.

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

3. Expenses in printing or otherwise producing the official poll cards and notifications 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 2007 Order.

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 and equipment necessary for polling stations.

8. Expenses in the provision of ballot boxes.

9. Expenses in the provision of any furniture and equipment, including electronic equipment, necessary for the purposes of sorting and counting the ballot papers at the count.

10. 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 and equipment necessary for polling stations.

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

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the payment of constituency and regional returning officers for their services and of their expenses at elections for membership of the Scottish Parliament.

Regional returning officers are responsible for receiving the regional lists of candidates from registered political parties to be regional members for their region, 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 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(3) of the Representation of the People Act 1983, as applied for the purposes of elections for membership of the Scottish Parliament, the entitlement of a regional returning officer, or, as the case may be, a constituency returning officer, at an election to recover his charges in respect of his services rendered or expenses incurred for or in connection with a Scottish Parliamentary election depends upon–

(a) the services or expenses being of a kind specified in an order made under section 29(3);

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

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

An Order under section 29(3) may also specify the maximum amounts which returning officers may recover for the various services which they render and expenses which they incur at elections for membership of the Scottish Parliament. This Order also specifies those maximum recoverable amounts.

Article 3(1)(a) and (2) of, and Part A of the Schedule to, this Order specifies the kinds of services rendered by a constituency returning officer for or in connection with, an election in respect of which he is entitled to recover his charges and the maximum recoverable amounts in respect of those services. Article 3(1)(b) and (c) and (2) of, and Parts B and C of the Schedule to, this Order specify the kinds of expenses incurred by a constituency returning officer for, or in connection with, an election in respect of which he is entitled to recover his charges, together (in the case of Part B) with the maximum recoverable amounts in respect of those expenses.

Article 4 of this Order specifies the kinds of services and expenses rendered by a regional returning officer for, or in connection with, an election in respect of which he is entitled to recover his charges, together with the maximum recoverable amounts in respect of the services specified in article 4(1)(a) and the expenses specified in article 4(1)(b).

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

Articles 5 and 6 of this Order make provision for the amounts that are recoverable by constituency and regional returning officers at uncontested elections in respect of their services and expenses.

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