
Changes to legislation: There are currently no known outstanding effects for the European Union Referendum Act 2015, Paragraph 16. (See end of Document for details)

SCHEDULES

SCHEDULE 3

FURTHER PROVISION ABOUT THE REFERENDUM

Payments to counting officers and Regional Counting Officers

- 16 (1) Subject to sub-paragraphs (3) and (4), a counting officer or Regional Counting Officer is entitled to recover his or her charges in respect of services rendered, or expenses incurred, for or in connection with the referendum if—
- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the referendum, and
 - (b) the total of the officer's charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, regulations made by the Minister, with the consent of the Treasury, for the purposes of this sub-paragraph.
- (2) Sub-paragraph (3) applies to a service rendered by—
- (a) the counting officer for a voting area in England, Wales or Scotland,
 - (b) the Clerk to the Gibraltar Parliament, as counting officer for the Gibraltar voting area, or
 - (c) a Regional Counting Officer,
- which in the opinion of the Electoral Commission was inadequately performed.
- (3) In respect of a service to which this sub-paragraph applies, the officer is entitled under sub-paragraph (1) to no more than the amount (which may be nil) that seems reasonable in all the circumstances—
- (a) to the Commission, or
 - (b) on a taxation under paragraph 17, to the county court, the Auditor of the Court of Session or the Gibraltar court (as the case may be).
- (4) Regulations under sub-paragraph (1) may specify, or make provision for determining in accordance with the regulations, a maximum recoverable amount for services or expenses of a specified description—
- (a) for counting officers;
 - (b) for Regional Counting Officers.
- Subject to sub-paragraph (5), an officer may not recover more than the specified amount in respect of such services or expenses.
- (5) In a particular case the Electoral Commission may, with the consent of the Treasury, authorise the payment of—
- (a) more than the overall maximum recoverable amount, or
 - (b) more than the amount specified as the maximum recoverable amount for services or expenses of a specified description,
- if the Commission are satisfied that the conditions in sub-paragraph (6) are met.

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- (6) The conditions are—
 - (a) that it was reasonable for the officer concerned to render the services or incur the expenses, and
 - (b) that the charges in question are reasonable.
- (7) The Chief Counting Officer is entitled to recover expenses incurred by that officer for or in connection with the referendum if—
 - (a) the expenses are of a kind that would otherwise have been incurred by counting officers or Regional Counting Officers, and
 - (b) the Chief Counting Officer considered that it would be more economical for the expenses to be incurred by that officer instead.
- (8) The Electoral Commission must pay the amount of any charges recoverable in accordance with this paragraph on an account being submitted to them.
- (9) At the request of a counting officer or Regional Counting Officer or the Chief Counting Officer, the Electoral Commission may make an advance on account of the officer's charges on such terms as they think fit.
- (10) The Electoral Commission may by regulations make provision as to the time when and the manner and form in which accounts are to be rendered to the Commission for the purposes of the payment of the charges of a counting officer or Regional Counting Officer or the Chief Counting Officer.
- (11) Regulations under this paragraph may make different provision for different cases or areas.
- (12) Any sums required by the Electoral Commission for making payments under this paragraph are to be charged on and paid out of the Consolidated Fund.

Commencement Information

II Sch. 3 para. 16 in force at 1.2.2016 by S.I. 2016/69, reg. 2

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