
STATUTORY INSTRUMENTS

1999 No. 1094

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
REPRESENTATION OF THE PEOPLE**

**The Scottish Parliamentary Elections
(Returning Officers' Charges) Order 1999**

Made - - - - - *25th March 1999*
Coming into force - - - - - *12th April 1999*

In exercise of the powers conferred upon him by section 29(3), (4) and (8A) of the Representation of the People Act 1983⁽¹⁾ as applied by article 18 of the Scottish Parliament (Elections etc.) Order 1999⁽²⁾ the Secretary of State hereby makes the following Order with the consent of the Treasury:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scottish Parliamentary Elections (Returning Officers' Charges) Order 1999 and shall come into force on 12th April 1999.

(2) In this Order—

“the 1983 Act” means the Representation of the People Act 1983;

“the 1999 Order” means the Scottish Parliament (Elections etc.) Order 1999;

“combined polls” refers to the poll at a Scottish parliamentary election and the poll at a local government election when they are taken together under article 13 of the 1999 Order;

“constituency returning officer” means the officer who, in accordance with article 14 of the 1999 Order is 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⁽³⁾;

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

(1) 1983 c. 2. Section 29 has been amended by section 1 of the Representation of the People Act 1991 (c. 11) and by the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I. 1991/1228; the functions formerly conferred on the Treasury have been transferred to the Secretary of State by that Order. The powers conferred in section 29(3) have been extended by paragraph 3(3) of Schedule 5 to the 1999 Order.

(2) S.I. 1999/787.

(3) 1998 (c. 46).

“by-election” means an election held to fill the vacant seat of a constituency member of the Scottish Parliament under section 8 of the Scotland Act;

“Scottish parliamentary election” means an election for membership of the Scottish Parliament, and any other expression used in this Order which is also used in the Scotland Act 1998 will have the same meaning in this Order as it has in that Act.

(3) Any reference to the register of electors is to the register of electors used at the election at which the services were rendered or expenses incurred and to that register as first published.

Constituency returning officers

2.—(1) For the purposes of paragraph (a) of section 29(3) of the 1983 Act, as applied by article 18 of the 1999 Order—

- (a) the services of a constituency returning officer which are of a kind described in paragraphs 1(1) and 2(1) of Part A of the Schedule to this Order (hereafter referred to as “services specified in Part A of the Schedule”); and
- (b) the expenses of a constituency returning officer which are of a kind described in paragraphs 1(1), 2(1), 3(1), 4(1) and 5 of Part B of the Schedule to this Order (hereafter referred to as “expenses specified in Part B of the Schedule”) and expenses of a kind described in Part C of the Schedule to this Order,

are hereby specified.

(2) The maximum recoverable amounts by 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

3.—(1) For the purposes of paragraph (a) of section 29(3) of the 1983 Act as applied by article 18 of the 1999 Order—

- (a) the services of a regional returning officer in conducting the 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 purposes of section 7 of the Scotland Act 1998 and the allocation of seats to registered political parties and individual candidates under section 7 of that Act;
- (c) the travelling and overnight subsistence expenses of—
 - (i) the regional returning officer;
 - (ii) any person placed at the regional returning officer’s disposal under article 15(2) of the 1999 Order;
 - (iii) any clerical or other assistants employed by the regional returning officer;

(4) Section 29(3) as so applied, provides that a returning officer is entitled to recover his charges in respect of services properly rendered or expenses properly incurred for or in connection with an election for membership of the Scottish Parliament if the services or expenses are of a kind specified in an order made under that provision and the charges are reasonable and that any reference to a returning officer is to be construed as a reference to a constituency returning officer and 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 1999 Order;

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

are hereby specified.

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

- (a) £500 in respect of the services specified in paragraph (1)(a) above; and
- (b) £400 in respect of the expenses specified in paragraph (1)(b) above.

Uncontested elections - regional returning officers

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

- (a) £77.46 in respect of the services specified in paragraph (1)(a) of article 3 of this Order; and
- (b) £192.78 in respect of the expenses specified in paragraph (1)(b) of article 3 of this Order.

Uncontested elections - constituency returning officers

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

- (a) £387.30 in respect of the services specified in Part A of the Schedule; and
- (b) £958.69 in respect of the expenses specified in Part B of the Schedule.

St Andrew's House,
Edinburgh
22nd March 1999

Henry McLeish
Minister of State, Scottish Office

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We consent to this Order

25th March 1999

Bob Ainsworth
Jane Kennedy
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Articles 2 and 5

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

PART A

MAXIMUM RECOVERABLE AMOUNTS FOR SERVICES OF CONSTITUENCY RETURNING OFFICER

<i>1</i> <i>Entry</i>	<i>2</i> <i>General election</i>	<i>3</i> <i>By-election</i>
1. —	£2,442.37	£1,605.76
<p>(1) This paragraph makes provision for a constituency returning officer's services in conducting the election and discharging his duties (except those specified in paragraph 2(1) of this Part) in connection therewith</p> <p>(2) Subject to subparagraphs (3) to (5) below, the maximum recoverable amount for each constituency for the services specified in subparagraph (1) above is</p> <p>(3) For every 1,000 entries, or fraction thereof, in the register of electors for each constituency over 60,000 entries, the maximum recoverable amount is increased by</p> <p>(4) Where at a Scottish parliamentary election a constituency returning officer is responsible for more than three constituencies, the maximum recoverable amount is reduced—</p> <p style="padding-left: 2em;">(a) for each constituency exceeding three but not exceeding six, by</p> <p style="padding-left: 2em;">(b) (b) for each constituency exceeding six, by</p>		
	£6.23	£6.23
	£253.23	£253.23
	£374.83	£374.83

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<i>1</i> <i>Entry</i>	<i>2</i> <i>General election</i>	<i>3</i> <i>By-election</i>
(5) 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	£278.87	£278.87
2. —	£157.32	£78.66
(1) This paragraph makes provision for a constituency returning officer's services in connection with the issue and receipt of the ballot papers for persons entitled to vote by post		
(2) Subject to sub-paragraph (3) the maximum recoverable amount for each constituency for the services specified in sub-paragraph (1) above is		
(3) Where the number of persons entitled to vote by post in any constituency exceeds 1,500, the maximum recoverable amount is increased for every 50 such persons, or fraction thereof, over 1,500 by an additional	£0.56	£0.56

PART B

EXPENSES OF CONSTITUENCY OFFICER FOR WHICH MAXIMUM RECOVERABLE AMOUNTS ARE SPECIFIED

<i>1</i> <i>Entry</i>	<i>2</i> <i>General election</i>	<i>3</i> <i>By-election</i>
1. —	£145.38	£116.30
(1) This paragraph makes provision for a constituency returning officer's expenses in respect of the payment of presiding officers at polling stations		
(2) Subject to sub-paragraphs (3) to (4) below, the maximum recoverable amount		

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<i>1</i> <i>Enrtty</i>	<i>2</i> <i>General election</i>	<i>3</i> <i>By-election</i>
for the expenses specified in sub-paragraph (1) above (including expenses incurred in respect of a person who takes over the duties of a presiding officer on polling day due to the incapacity of the previously appointed presiding officer) in respect of the presiding officer at each polling station is		
(3) 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	£14.16	£7.08
(4) Where there are combined polls at a polling station, the maximum recoverable amount is increased by	£29.08	£29.08
2. —	£91.93	£73.54
(1) This paragraph makes provision for a returning officer's expenses in respect of the payment of poll clerks at polling stations		
(2) Subject to sub-paragraph (3) below, the maximum recoverable amount for the expenses specified in sub-paragraph (1) above in respect of each poll clerk is		
(3) Where there are combined polls at polling station, the maximum recoverable amount is increased by	£18.39	£18.39
3. —	£1.47	£1.47
(1) This paragraph makes provision for a constituency returning officer's expenses in respect of the payment of persons employed in connection with the		

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<i>1</i> <i>Enrtry</i>	<i>2</i> <i>General election</i>	<i>3</i> <i>By-election</i>
preparation, revision and issue of the official poll cards		
(2) The maximum recoverable amount for the expenses specified in subparagraph (1) above is, for every 100 cards or fraction thereof		
4. —	£6,450.90	£4,242.80
(1) This paragraph makes provision for a constituency returning officer's expenses in respect of the payment of persons employed in connection with the issue and receipt of postal ballot papers and the count and any other clerical or other assistance for the purposes of the election		
(2) Subject to subparagraphs (3) to (6) below, the maximum recoverable amount for each constituency for the expenses specified in subparagraph (1) above is		
(3) In a constituency where the number of entries in the register of electors exceeds 60,000 the maximum recoverable amount is increased, for every additional 1,000 entries or fraction thereof above 60,000 by	£46.03	£46.03
(4) The maximum recoverable amount is increased by	£41.78 for every 75 voters or fraction thereof entitled to vote by post in a constituency	£41.78 for every 100 voters or fraction thereof entitled to vote by post in a constituency
(5) The maximum recoverable amount is increased for each recount of the votes ordered by the returning officer by	£368.54	£368.54
(6) For each constituency where there are combined polls for the conduct of which the returning officer is responsible, the maximum	£1,104.05	£1,104.05

<i>1</i> <i>Enrtry</i>	<i>2</i> <i>General election</i>	<i>3</i> <i>By-election</i>
recoverable amount is increased by		
5. The maximum recoverable amount for a constituency returning officer's expenses in paying each presiding officer and each poll clerk for their attendance at a training course		

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) any person placed at the constituency returning officer's disposal under article 15(1) of the 1999 Order;
 - (c) any presiding officer or poll clerk; and
 - (d) any clerical or other assistants employed by the returning officer.
2. Expenses in printing or otherwise producing the ballot papers.
3. Expenses in printing or otherwise producing the official poll cards 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 1999 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 ballot boxes.
8. 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 necessary for polling stations and the instruments to stamp on the ballot papers the official mark.
9. Expenses in the provision of stationery and writing implements and in postage, telephone and bank charges and other miscellaneous items.
10. Expenses in connection with the provision of security measures.
11. Expenses in the supply of copies of the register of electors for use in the conduct of the election.

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EXPLANATORY NOTE

(This note is not part of the Order)

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

The 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, in so far as they relate to the poll for the return of regional members.

The 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 or expenses for in connection with such an election depends upon—

- (a) the services or expenses being of a kind specified in an order made under that provision;
- (b) the services being properly rendered and the expenses being properly incurred; and
- (c) the charges in respect of them being reasonable.

Article 2(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, together with maximum recoverable amounts in respect of those services. Article 2(1)(b) and (2) of and Parts B and C of the Schedule 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 amount in respect of those expenses.

Article 3 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 amount in respect of the services specified in article 3(1)(a) and the expenses specified in article 3(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 4 and 5 of this Order make provision for the charges that are recoverable by constituency and regional returning officers at uncontested elections.