

POLICY NOTE

THE SCOTTISH INDEPENDENCE REFERENDUM (CHIEF COUNTING OFFICER AND COUNTING OFFICER CHARGES AND EXPENSES) ORDER 2015

SSI 2015/368

The above instrument is made in exercise of the powers conferred by section 9(3) and (4) of the Scottish Independence Referendum Act 2013. The instrument is not subject to Parliamentary procedure.

Policy Objectives

Section 9 of the Scottish Independence Referendum Act 2013 provides that the Scottish Ministers may make an Order setting out the maximum amounts the Chief Counting Officer and counting officers can claim for specified services and expenses incurred in delivering the referendum. Section 9 did not give Scottish Ministers the power to pay more than the maximum amounts specified in the Order.

Chief Counting Officer and counting officers' costs for running the poll at the referendum on Scottish Independence had in most areas exceeded the maximum amounts specified in the Scottish Independence Referendum (Chief Counting Officer and Counting Officer Charges and Expenses) Order 2014.

This Order therefore revokes and replaces the Scottish Independence Referendum (Chief Counting Officer and Counting Officer Charges and Expenses) Order 2014. It specifies the revised maximum amounts which the Chief Counting Officer and counting officers may be reimbursed in respect of the actual cost of their services and expenses in connection with the referendum on Scottish Independence held on 18 September 2014. The maximum recoverable amounts set out in this Order now reflect individual counting officers' claims. Of the 32 maximum recoverable amounts set out for counting officers in the 2014 Order, 28 of them have increased while 4 (East Dunbartonshire, Eileen Siar, Fife and Midlothian) have decreased. These 4 reflect those counting officers who spent less than the maximum recoverable amounts set out in the 2014 Order.

In recognition of their personal responsibilities, the Order provides that the Chief Counting Officer and counting officers may claim an amount for discharging their duties at, and making arrangements for, the referendum. The Order sets a maximum amount which the counting officer may claim for specified expenses in each local government area. The Order also sets a maximum recoverable amount for expenses in relation to the Chief Counting Officer. These provisions are in line with the funding arrangements for counting and returning officers in other UK elections and referendums.

Consultation

The Scottish Government consulted with counting officers and the Chief Counting Officer's team in the preparation of the original Order but no specific consultation was undertaken for this replacement Order, as the specified amounts reflect individual counting officers' claims. The Chief Counting Officer and counting officers have been kept informed of the process and are aware of the maximum amounts which are specified in this Order.

Impact Assessments

An Equality Impact Assessment has been completed in respect of the Scottish Independence Referendum Act 2013 and is available at:

<http://www.scotland.gov.uk/Publications/2013/04/7079>

No adverse impacts on particular groups are expected as a result of this policy. As the existing document already details the Scottish Government's considerations, no separate impact assessments have been prepared for this Order.

Financial Effects

Counting officer costs are initially borne by local authorities, but are reimbursed by the Scottish Government. Payments up to the maximum amounts specified in the Scottish Independence Referendum (Chief Counting Officer and Counting Officer Charges and Expenses) Order 2014 have already been made. Where a greater amount has been claimed, further payments up to the maximum amounts set out in this Order will be made once it comes into force.

A Business and Regulatory Impact Assessment (BRIA) has been completed in respect of the Scottish Independence Referendum Act 2013 and is available at:

<http://www.scotland.gov.uk/Publications/2013/04/5007>. As that document already details the nature of any business impacts and costs associated with running the referendum, no separate Business and Regulatory Impact Assessment has been prepared for this Order.