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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

**The Police and Crime Commissioner Elections Order 2012**

**PART 3**

The election campaign

*Candidate election expenses*

**Property, goods, services etc provided free of charge or at a discount**

**51.**—(1) This article applies where, in the case of a candidate at a PCC election—

(a) either—

(i) property or goods is or are transferred to the candidate or the candidate's election agent free of charge or at a discount of more than 10 per cent. of the market value of the property or goods, or

(ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and

(b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.

(2) Where this article applies, and subject to Part 2 of Schedule 7—

(a) an amount of election expenses determined in accordance with this article (“the appropriate amount”) is to be treated, for the purposes of this Part, as incurred by the candidate, and

(b) the candidate's election agent must make a declaration of that amount,

unless that amount is not more than £50.

(3) Where paragraph (1)(a)(i) applies, the appropriate amount is such proportion of either—

(a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or

(b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),

as is reasonably attributable to the use made of the property or goods as mentioned in paragraph (1) (b).

(4) Where paragraph (1)(a)(ii) applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in paragraph (1)(b).

(5) Where the services of an employee are made available by the employer for the use or benefit of a candidate, then for the purposes of this article the commercial rate for the provision of those services is to be taken as being the amount of the remuneration and allowances payable to the employee by the employer in respect of the period for which the employee's services are so made available (but this does not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

(6) In this article "market value", in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 5 applies with any necessary modifications for the purpose of determining, for the purposes of paragraph (1), whether property or goods is or are transferred to a candidate or the candidate's election agent.