

2009 No. 1069

REPRESENTATION OF THE PEOPLE

The European Parliamentary Elections (Returning Officers' Charges) (Great Britain and Gibraltar) Order 2009

Made - - - - - *23rd April 2009*

Coming into force in accordance with article 1(1)

The Secretary of State, in exercise of the powers conferred by regulation 15(1) of the European Parliamentary Elections Regulations 2004(a), makes the following Order with the consent of the Treasury(b):

Citation, commencement and extent

1.—(1) This Order may be cited as the European Parliamentary Elections (Returning Officers' Charges) (Great Britain and Gibraltar) Order 2009 and shall come into force on the day after the day on which it is made.

(2) This Order extends to England, Wales, Scotland and Gibraltar.

Interpretation

2. In this Order—

“the 2004 Regulations” means the European Parliamentary Elections Regulations 2004; and

“electoral region” means a region specified in section 1(2) of, and Schedule 1 to, the European Parliamentary Elections Act 2002(c).

Revocation

3. The European Parliamentary Elections (Returning Officers' Charges) (Great Britain and Gibraltar) Order 2004(d) is revoked.

Overall maximum recoverable amount

4. The overall maximum recoverable amount for each electoral region is listed in column 4 of the table in the Schedule (“overall maximum recoverable amount”).

(a) S.I. 2004/293: regulation 15 was amended by S.I. 2009/186. Regulation 15(1) corresponds to section 29(3) of the Representation of the People Act 1983 (c.2) as amended by section 68 of the Electoral Administration Act 2006 (c.22).

(b) Consent of the Treasury is required by regulation 15(10) of the 2004 Regulations.

(c) 2002 c. 24.

(d) S.I. 2004/1298.

Maximum recoverable amount for specified services

5. The total of the charges recoverable by a returning officer in respect of the services of the description specified in article 6 shall not exceed the amount listed for each electoral region in column 2 of the table in the Schedule (“maximum recoverable amount for the specified services”).

6. The specified services are—

- (a) discharging the returning officer’s duties at the election; and
- (b) making arrangements for the election.

Maximum recoverable amount for specified expenses

7. The total of the charges recoverable by a returning officer in respect of the expenses of the description specified in article 8 shall not exceed the amount listed for each electoral region in column 3 of the table in the Schedule (“maximum recoverable amount for the specified expenses”).

8. The specified expenses are—

- (a) the appointment and payment of persons to assist the returning officer;
- (b) travel and overnight subsistence for the returning officer and any person appointed to assist the returning officer;
- (c) the costs of the nomination process;
- (d) printing or otherwise producing ballot papers;
- (e) printing or otherwise producing and, where appropriate, publishing notices required by the 2004 Regulations;
- (f) renting, heating, lighting, cleaning, adapting or restoring any building or room;
- (g) providing and transporting equipment;
- (h) providing security;
- (i) conducting the count;
- (j) providing training; and
- (k) providing stationery and meeting postage, telephone, printing and banking costs and costs of other miscellaneous items.

Overall maximum recoverable amount at an uncontested election

9. At an uncontested election—

- (a) articles 4 to 8 above do not apply; and
- (b) the overall maximum recoverable amount for each electoral region is £350.

Signed by the authority of the Secretary of State

8th April 2009

We consent to this Order

David Hanson
Minister of State
Ministry of Justice

23rd April 2009

Frank Roy
Tony Cunningham
Two of the Lords Commissioners of Her Majesty’s Treasury

SCHEDULE

Articles 4, 5 and 7

Overall maximum recoverable amounts and maximum recoverable amounts for the specified services and the specified expenses for electoral regions

<i>1</i> <i>Electoral region</i>	<i>2</i> <i>Maximum recoverable amount for the specified services</i>	<i>3</i> <i>Maximum recoverable amount for the specified expenses</i>	<i>4</i> <i>Overall maximum recoverable amount</i>
East Midlands	£12,000	£44,080	£56,080
East of England	£12,000	£49,169	£61,169
London	£12,000	£38,991	£50,991
North East	£12,000	£23,724	£35,724
North West	£12,000	£43,353	£55,353
Scotland	£12,000	£38,264	£50,264
South East	£12,000	£63,709	£75,709
South West	£12,000	£47,626	£59,626
Wales	£12,000	£44,080	£56,080
West Midlands	£12,000	£36,810	£48,810
Yorkshire and the Humber	£12,000	£30,267	£42,267

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for payments for services and expenses of returning officers in connection with the conduct of European Parliamentary elections in Great Britain and Gibraltar. It replaces the European Parliamentary Elections (Returning Officers' Charges) (Great Britain and Gibraltar) Order 2004 (S.I. 2004/1298). This Order is made under regulation 15(1) of the European Parliamentary Elections Regulations 2004 (S.I. 2004/293), which was amended by regulation 11 of the European Parliamentary Elections (Amendment) Regulations 2009 (S.I. 2009/186). Under regulation 15(1) a returning officer may recover his charges for services and expenses provided they were necessarily rendered or incurred for the efficient and effective conduct of the election and the total does not exceed the overall maximum recoverable amount specified by the Secretary of State in an order. Regulation 15(2) also enables the Secretary of State to specify a maximum recoverable amount for particular services or expenses.

Article 4 of this Order stipulates that the overall maximum recoverable amount is listed for each electoral region in column 4 of the table in the Schedule.

Article 5 of this Order specifies that the total of the charges recoverable by a returning officer in respect of the services of the description specified in article 6 shall not exceed the amount listed for each electoral region in column 2 of the table in the Schedule. This total is "the maximum recoverable amount for the specified services". Similarly, article 7 sets out that the total of the charges recoverable in respect of the expenses of the description specified in article 8 are listed for each electoral region in column 3 of the table in the Schedule. This is "the maximum recoverable amount for the specified expenses".

In the case of an uncontested election article 9 provides that articles 4 to 8 do not apply. Instead, the overall maximum recoverable amount is £350 for each electoral region.

The Schedule contains the table referred to in articles 4 to 8. The table lists in respect of each electoral region the maximum recoverable amount for the specified services (column 2), the maximum recoverable amount for the specified expenses (column 3) and the overall maximum recoverable amount (column 4).

This Order provides for an overall maximum recoverable amount which represents an increase on the funds made available under the European Parliamentary Elections (Returning Officers' Charges) (Great Britain and Gibraltar) Order 2004 (S.I. 2004/1298).

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