

**2009 No. 1120 (S. 7)**

**REPRESENTATION OF THE PEOPLE**

**The European Parliamentary Elections (Local Returning Officers' Charges) (Scotland) Order 2009**

*Made* - - - -

*30th 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 (Local Returning Officers' Charges) (Scotland) Order 2009 and shall come into force on the day after the day on which it is made.

(2) This Order extends to Scotland only.

**Interpretation**

2. In this Order—

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

“election” means a European Parliamentary election;

“local counting area” has the meaning given in regulation 2(1) of the 2004 Regulations(c); and

“register of electors” has the meaning given in regulation 2(1) of the 2004 Regulations.

**Revocation**

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

**Maximum amounts for services and expenses in respect of which a local returning officer at a contested European Parliamentary election may recover his charges**

4.—(1) This article provides for the maximum amounts recoverable by a local returning officer in respect of a contested election.

(2) The maximum recoverable amounts for the services specified in Part A of the Schedule to this Order are the amounts specified in that Part.

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(a) S.I. 2004/293; regulation 15 was amended by S.I. 2009/186. Regulation 15(1) makes similar provision to section 29(3) of the Representation of the People Act 1983 (c.2).

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

(c) Regulation 2(1) was amended by S.I. 2009/186.

(d) S.I. 2004/1299.

(3) The maximum recoverable amounts for the expenses specified in column 1 of the table in Part B of the Schedule are the amounts specified in the corresponding entries in column 2 of that table.

(4) The maximum recoverable amount for the expenses specified in Part C of the Schedule is £500,000.

**Maximum amounts for services and expenses in respect of which a local returning officer at an uncontested European Parliamentary election may recover his charges**

5.—(1) This article provides for the maximum amounts recoverable by a local returning officer in respect of an uncontested election.

(2) The maximum recoverable amounts are—

- (a) £479 in respect of the services specified in paragraph 1(1) of Part A of the Schedule;
- (b) £1,183 in respect of the expenses specified in column 1 of the table in Part B of the Schedule; and
- (c) Nil in respect of the expenses specified in Part C of the Schedule.

(3) For the purposes of sub-paragraph (b) of regulation 15(1) of the 2004 Regulations the overall maximum recoverable amount is the aggregate of the amounts specified in paragraph (2).

Signed by authority of the Secretary of State

*ANN McKECHIN*  
Parliamentary Under Secretary of State  
Scotland Office

29th April 2009

We consent to this Order.

*TONY CUNNINGHAM*  
*FRANK ROY*  
Two of the Lords Commissioners of Her Majesty's Treasury

30th April 2009

## SCHEDULE

Articles 4 and 5

### SERVICES AND EXPENSES IN RESPECT OF WHICH A LOCAL RETURNING OFFICER AT A EUROPEAN PARLIAMENTARY ELECTION IN SCOTLAND MAY RECOVER HIS CHARGES

#### PART A

##### **Services of local returning officer for which specific maximum recoverable amounts are specified**

1.—(1) This paragraph makes provision for a local returning officer's services in conducting the election in any local counting area for which he is responsible, discharging his duties in connection with the election and making arrangements for the election.

(2) Subject to sub-paragraph (3), the maximum recoverable amount for each such local counting area for the services specified in sub-paragraph (1) is the aggregate of—

- (a) £1,250; and
- (b) £475 for every 10,000 entries, or fraction thereof, in the register of electors for the local counting area.

(3) Where the poll at the election in any local counting area for which the local returning officer is responsible is taken together with the poll at another election or referendum, the maximum recoverable amount determined under sub-paragraph (2) shall be increased by 15%.

#### PART B

##### **Expenses of local returning officer for which specific maximum recoverable amounts are specified**

<i>1</i> <i>Entry</i>	<i>2</i> <i>Amount</i>
1.—(1) For a local returning officer's expenses in the payment of presiding officers at polling stations, (including expenses incurred in respect of having persons available to take over the duties of a presiding officer on polling day should the appointed officer be unable to act), the maximum recoverable amount in respect of the presiding officer at each polling station (and each such member of stand-by staff) is (subject to sub-paragraphs (2) and (3))—	£200
(2) 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—	£18

<i>1</i> <i>Entry</i>	<i>2</i> <i>Amount</i>
(3) Where there are combined polls at a polling station, the maximum recoverable amount is increased by–	£41
<b>2.</b> —(1) For a local returning officer's expenses in respect of the payment of poll clerks at polling stations, the maximum recoverable amount (subject to sub-paragraph (2)) for the expenses in respect of each poll clerk is–	£117
(2) Where there are combined polls at a polling station, the maximum recoverable amount is increased by–	£23
<b>3.</b> —(1) The maximum recoverable amount for a local returning officer's expenses in respect of the payment of persons employed in connection with–  (a) the preparation, revision and issue of the official poll cards and notifications, and  (b) the issue and receipt of postal ballot papers, confirmation of papers received, the count and any other clerical assistance for the purposes of the election, is, (subject to sub-paragraphs (2) and (3))–	The aggregate of– (a) £14,400; and (b) £7,200 for every 30,000 entries, or fraction thereof, in the register of electors for the local counting area greater than 90,000
(2) For each recount of the votes ordered by the local returning officer, the maximum recoverable amount is increased by–	£528
(3) Where there are combined polls for the conduct of which the local returning officer is responsible, the maximum recoverable amount for each local counting area is increased by–	£1,526
<b>4.</b> The maximum recoverable amount for a local returning officer's expenses in arranging training for presiding officers, poll clerks and members of counting staff, including accommodation costs and payments to those delivering and attending training, is the number of such persons who attend one or more training courses multiplied by–	£50

## PART C

### Expenses of local returning officer for which a maximum recoverable amount is specified

1. Travelling and overnight subsistence expenses of–
  - (a) the local returning officer;

- (b) officers whose services are placed at the local returning officer's disposal under section 6(7) of the European Parliamentary Elections Act 2002<sup>(a)</sup>;
  - (c) presiding officers and poll clerks; and
  - (d) clerical and other assistants employed by the local returning officer.
2. Expenses in printing or otherwise producing the ballot papers.
  3. Expenses in printing or otherwise producing the official poll cards and notifications 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 2004 Regulations.
  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 voting compartments and any other furniture and equipment necessary for polling stations.
  8. Expenses in the provision of ballot boxes.
  9. Expenses in the provision of any furniture and equipment necessary for the purposes of sorting and counting the ballot papers at the count.
  10. 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 and equipment necessary for polling stations.
  11. Expenses in the provision of stationery and writing implements and the expenses of postage, telephone and bank charges and other miscellaneous items.
  12. Expenses in connection with the provision of security measures.
  13. Expenses in respect of—
    - (a) the preparation, revision, issue and receipt of the official poll cards and notifications, and
    - (b) the preparation, revision, issue and receipt of postal ballot papers,excluding the expenses referred to in paragraph 3(1) of Part B of this Schedule.

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<sup>(a)</sup> 2002 c.24; section 6(7) was amended by section 20(4) of the European Parliament (Representation) Act 2003 (c.7).

## EXPLANATORY NOTE

*(This note is not part of the Order )*

This Order, which applies in Scotland, provides for the expenses of local returning officers at European Parliamentary elections. Local returning officers are defined by section 6(5A) of the European Parliamentary Elections Act 2002 and discharge functions in each local counting area in accordance with regulation 6 of the European Parliamentary Elections Regulations 2004 (the “2004 Regulations”).

Under regulation 15(1) of the 2004 Regulations the entitlement of a local returning officer at a European Parliamentary election to recover his charges in respect of his services or expenses for or in connection with such an election depends upon—

- (a) the services or expenses being necessarily rendered or incurred for the efficient and effective conduct of the election; and
- (b) the total of the charges not exceeding the overall maximum recoverable amount specified in or determined in accordance with an order made by the Secretary of State.

No overall maximum recoverable amount has been specified for contested elections. For uncontested elections the overall maximum recoverable amount is specified as being the aggregate of the maximum recoverable amount for services and the maximum recoverable amount for expenses.

Under Regulation 15(2) of the 2004 Regulations the Secretary of State may specify maximum recoverable amounts for services and expenses of specified descriptions. For contested elections, Part A of the Schedule to this Order specifies the maximum recoverable amounts for services (conducting the election, discharging his duties at the election and making arrangements for the election). Part B specifies the maximum recoverable amounts for certain kinds of expenses. Article 4(4) provides for the maximum recoverable amount for the kinds of expenses listed in Part C to be £500,000. For uncontested elections article 5(2) specifies the maximum recoverable amount for the services and expenses specified in Parts A, B and C of the Schedule.

A full regulatory impact assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

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£5.50