

**EXPLANATORY MEMORANDUM TO**  
**THE POLICE AND CRIME COMMISSIONER ELECTIONS**  
**(RETURNING OFFICERS' ACCOUNTS) REGULATIONS 2012**

**2012 No. 2088**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 The Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 ("the Regulations") set out when and how accounts are to be submitted by returning officers for Police and Crime Commissioner elections to be held on 15 November 2012.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 The Regulations are being made in exercise of the powers contained in the Police Reform and Social Responsibility Act 2011 ("the 2011 Act").
  - 4.2 The Regulations specify that, following elections of Police and Crime Commissioners across England and Wales (excluding Greater London), returning officers must submit their accounts to the Secretary of State within 8 months of the declaration of result of the election, or a later period of a further 3 months in the event that an incomplete account was at first submitted, with relevant supporting documentation and declarations.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England and Wales.
6. **European Convention on Human Rights**

As this statutory instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
  - 7.1 In June 2010, the Government announced its intention to replace police authorities with directly elected Police and Crime Commissioners (PCCs) in England and Wales by 2012.

7.2 PCCs are established under the provisions the 2011 Act, which also includes provisions governing the conduct of elections for such office.

## **8. Consultation outcome**

8.1 No consultation was held specifically for these Regulations.

## **9. Guidance**

9.1 Guidance as to election conduct generally has been issued by the Electoral Commission

## **10. Impact**

10.1 These Regulations do not apply to businesses, charities or voluntary bodies.

10.2 The impact on the public sector will be that returning officers will have to take the necessary steps in relation to conducting elections of PCCs, all reasonable costs of which will be met by the Home Office.

10.3 An Impact Assessment has been prepared for the 2011 Act (which is available at the following link: <http://www.homeoffice.gov.uk/publications/about-us/legislation/police-reform-bill/eia-police-crime-commissioners?view=Binary>).

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 Under the provisions of the 2011 Act, the Electoral Commission will publish a report on the conduct of the elections held in November 2012. Legislative provisions will be reviewed if necessary at that point in response to the report.

## **13. Contact**

13.1 Alex Doyle or Neil King at the Home Office (tel: 020 7035 4858 or email: [PCCElections@homeoffice.gsi.gov.uk](mailto:PCCElections@homeoffice.gsi.gov.uk)) can answer any queries regarding this instrument.