

EXPLANATORY MEMORANDUM TO
THE POLICE AND CRIME COMMISSIONER ELECTIONS (RETURNING
OFFICERS' ACCOUNTS) (AMENDMENT) REGULATIONS 2021

2021 No. 179

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument amends the Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 (S.I. 2012/2088) ("the 2012 Regulations"), which set out the manner and form in which Returning Officers at Police and Crime Commissioner elections ("PCC elections") must submit an account of the expenses incurred in the delivery of the poll. The instrument is laid in anticipation of the PCC elections to be held on 6 May 2021.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England and Wales.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 PCC elections were first held in November 2012. The 2012 Regulations set the requirements (the time for submission; the address where the accounts must be sent to; the format and the evidence required) for the submission of PCC election accounts.
6.2 The 2012 Regulations were amended in 2016¹, reducing the time allowed for the submission of the accounts from 8 months to 6 months and transferring responsibility

¹ By the Police and Crime Commissioner Elections (Returning Officers' Accounts) (Amendment) Regulations 2016 (S.I. 2016/488)

to the Accounting Officer at the Cabinet Office. These claims are now processed by the Elections Claims Unit at the Cabinet Office.

- 6.3 For the 2021 PCC elections, the amendments made by this instrument to the 2012 regulations are to put the requirements for submission of the PCC election accounts on the same footing as for UK Parliamentary elections.
- 6.4 The changes ensure that Returning Officers will adequately account for the use of public monies by submitting fully completed accounts. The changes will also help to reduce the burden placed on Returning Officers in preparing the accounts for these polls as well as for the Elections Claims Unit that scrutinises the claims once submitted. Given the volume of accounts received for national polls, it is important to make the process as efficient and effective as possible.

7. Policy background

What is being done and why?

- 7.1 Regulation 4 of the 2012 Regulations is being amended to provide the Cabinet Office with flexibility in exercising its discretion to extend the deadline for submission of PCC accounts if a request is made to this effect by the Returning Officer. This allows the Cabinet Office to take into account other circumstances at the time and to extend the deadline as necessary. This approach is consistent with that for UK Parliamentary election accounts.
- 7.2 Regulation 5 of the 2012 Regulations on incomplete accounts is omitted. The effect of this will be to require Returning Officers to submit fully completed accounts for PCC elections, as allowing incomplete accounts makes the process more burdensome for all involved. The changes under regulation 4 also allow for an extension to be sought by the Returning Officer ahead of the deadline for submission.
- 7.3 The Elections Claims Unit at the Cabinet Office spends a significant amount of time triaging accounts as they are submitted. As work on scrutinising the accounts cannot commence until the accounts have been submitted in full it is reasonable to remove the provision requiring submission of incomplete accounts.
- 7.4 Regulation 6 of the 2012 Regulations is amended, requiring Returning Officers to only provide evidence for particular items of expenditure in line with the scrutiny categories assigned to each voting area as requested by the accounting officer. This avoids unnecessary work and burdens on administrators.
- 7.5 The above changes are intended to make the account regulations for PCC elections consistent with those for UK Parliamentary elections.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

- 9.1 The 2012 Regulations have only been amended once before, and no consolidation is currently planned.

10. Consultation outcome

10.1 No consultation was held specifically for these Regulations.

11. Guidance

11.1 The Electoral Commission and Cabinet Office have previously issued guidance to electoral administrators and Returning Officers regarding the conduct of the PCC elections.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because there is no impact on business.

13. Regulating small business

13.1 This instrument does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The Electoral Commission is expected to produce a report on the administration and conduct of the 2021 PCC elections. The Cabinet Office will consider any findings or recommendations made by the Commission that relate to the provisions introduced by this instrument. The Cabinet Office will continue to keep all electoral legislation under consideration to ensure it continues to support electors' participation in elections and effective electoral administration.

15. Contact

15.1 Armend Elezi at the Cabinet Office Telephone: 020 7271 1321, Mobile 07593 522 035 email: armend.elezi@cabinetoffice.gov.uk can be contacted with any queries regarding the instrument.

15.2 Becca Crosier, Deputy Director for the Elections Division, at the Cabinet Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Chloe Smith MP, Minister of State for the Constitution and Devolution at the Cabinet Office can confirm that this Explanatory Memorandum meets the required standard.