

**EXPLANATORY MEMORANDUM TO
THE POLICE AND CRIME COMMISSIONER ELECTIONS (RETURNING
OFFICERS' ACCOUNTS) REGULATIONS 2024**

2024 No. 181

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Levelling Up, Housing and Communities and is laid before Parliament by Command of His Majesty.

2. Declaration

- 2.1 Simon Hoare MP, Parliamentary Under Secretary of State (Local Government) at the Department for Levelling Up, Housing and Communities confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Becca Crosier, Deputy Director for Elections Division, at the Department for Levelling Up, Housing and Communities confirms that this Explanatory Memorandum meets the required standard.

3. Contact

- 3.1 Armend Elezi at the Department for Levelling Up, Housing and Communities. Telephone: 07593 522 035 or email: armend.elezi@levellingup.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

- 4.1 The Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2024 sets 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 2 May 2024. This instrument revokes and replaces the Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 (S.I. 2012/2088) as amended.

Where does the legislation extend to, and apply?

- 4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

- 5.1 This instrument revokes and replaces the Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 (S.I. 2012/2088). Account Regulations are required to be made in advance of elections to ensure that Returning Officers have clarity on the process for the submission of their accounts in relation to the PCC elections on 2nd May 2024. Whilst Account Regulations can continue to apply to future elections, it has been necessary to update these to reflect the recent changes which are detailed below in 5.2.

What was the previous policy, how is this different?

- 5.2 The 2012 Regulations have been revoked and replaced to ensure greater alignment of wording with The Parliamentary Elections (Returning Officers' Accounts) Regulations 2024 and The Recall Petitions (Petitions Officers Accounts) Regulations 2024. These two regulations, which are no procedure, are the equivalent instruments for UK Parliamentary elections and recall petitions. This alignment is being done to ensure consistency across all three accounts for national polls and provide greater clarity for Returning Officers when submitting their accounts.
- 5.3 Regulation 3 requires that submission of accounts must be done electronically, whilst the 2012 Regulations allowed for the submission of accounts to also be completed in writing. This change has been implemented to reflect the introduction of a new digital system in which Returning Officers are required to submit their accounts. The digital system has been implemented to improve the efficiency of receiving and processing Returning Officers accounts.
- 5.4 Regulation 4 requires the submission of an account within 9 months of the day on which the result of the police and crime commissioner election is declared. This is a change from a deadline of 6 months to allow more time for Returning Officers to submit their accounts and align with the deadline of submission for UK Parliamentary elections.
- 5.5 Regulation 4 (3) (b), which was not included previously, states that if the Accounting Officer requires an extension to the deadline to submit their accounts, they must specify an extension period, for which the end of that period is no later than 3 months after the last day of the 9 month deadline to submit accounts after the date of the poll. This is to ensure submissions are dealt with in a timely manner.

6. Legislative and Legal Context

How has the law changed?

- 6.1 The Home Office originally put in place the secondary legislation for the conduct of PCC elections which were first held in November 2012. The 2012 Account 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 regulations now state that the responsibility for the administration and conduct of PCC elections lies with the Department for Levelling Up, Housing and Communities.
- 6.3 Regulation 3 requires that submission of accounts must now be completed electronically.

- 6.4 Regulation 4 requires the submission of an account within 9 months of the day on which the result of the police and crime commissioner election is declared rather than 6 months.
- 6.5 Regulation 4 (3) (b) states that if the Accounting Officer requires an extension to the deadline to submit their accounts, they must specify an extension period, for which the end of that period is no later than 3 months after the last day of the 9 month deadline to submit accounts after the date of the poll.
- 6.6 The 2012 Regulations were amended in 2016 and 2021 and are now being revoked and replaced.

Why was this approach taken to change the law?

- 6.7 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

- 7.1 As the renewal of the Account Regulations is business as usual and is a requirement for the PCC elections to be delivered, a consultation is not required. This is in line with the existing approach for all Account Regulations relating to national polls.
- 7.2 We have produced updated guidance for Returning Officers providing further clarity on the process and what they can expect to be reimbursed for. This has been updated in consultation with the sector and reflects the feedback received.

8. Applicable Guidance

- 8.1 DLUHC have previously issued guidance to electoral administrators and Returning Officers regarding the conduct of the PCC elections. The funding guidance provided by DLUHC is currently under review and will be updated and published in advance of the 2024 PCC elections.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

- 9.1 A full Impact Assessment has not been prepared for this instrument because there is no impact on business, charities, voluntary bodies or the public sector. This SI relates to the maintenance of existing regulatory standards.

Impact on businesses, charities and voluntary bodies

- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this regulation specifically relates to the responsibilities of Returning Officers, who are statutorily independent, in the delivery of PCC elections.
- 9.3 The legislation does not impact small or micro businesses.
- 9.4 There is no, or no significant, impact on the public sector because this regulation specifically relates to the responsibilities of Returning Officers, who are statutorily independent, in the delivery of PCC elections.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

- 10.1 The approach to monitoring this legislation is to continue to keep all electoral legislation under review to ensure it continues to support electors' participation in elections and effective electoral administration.
- 10.2 This instrument does not include a statutory review clause, but DLUHC will review the policy to submit Accounts prior to the next ordinary elections of PCCs in 2028.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).