STATUTORY INSTRUMENTS

# 2016 No. 514

# POLICE, ENGLAND AND WALES

## The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2016

*Made - - - - 12th April 2016*

*Coming into force in accordance with article 1(2)*

The Chancellor of the Duchy of Lancaster, in exercise of the powers conferred by sections 55(1) and (2) and 154(5) of the Police Reform and Social Responsibility Act 2011(**1**) and with the consent of the Treasury(**2**), makes the following Order:

## PART 1

### Introduction

**Citation, commencement and revocation**

**1.**—(1) This Order may be cited as the Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2016.

(2) It comes into force on the day after the day on which it is made.

(3) Articles 2 to 9 apply only to a police and crime commissioner election the date of the poll for which is on or after 1st May 2016.

(4) So far as it relates to an election the poll for which is on or after 1st May 2016, the Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2012(**3**) is revoked.

(**1**) 2011 c. 13; powers conferred on the Secretary of State under sections 55 and 154 are exercisable concurrently with the Chancellor of the Duchy of Lancaster by virtue of S.I. 2015/1526 (which also made a consequential amendment to section 55 to reflect that). Those powers may only be exercised by the Chancellor of the Duchy of Lancaster so far as they relate to an election the poll for which is on or after 1st May 2016. Section 154 has also been amended by S.I. 2014/268 and S.I. 2015/1376.
(**2**) Consent is required by virtue of section 55(1)(b) of the Police Reform and Social Responsibility Act 2011.
(**3**) S.I. 2012/2378.

**Interpretation**

**2.**—(1) In this Order—

"the 2000 Act" means the Local Government Act 2000(**4**);

"Assembly general election" has the same meaning as in the National Assembly for Wales (Representation of the People) Order 2007(**5**);

"election for the return of an elected mayor" means an election for the return of an elected mayor under section 9H of the 2000 Act(**6**);

"governance referendum" means a referendum held under Chapter 4 of Part 1A of the 2000 Act;

"ordinary election of councillors" means an ordinary election of councillors within the meaning of section 7 of the Local Government Act 1972(**7**);

"police area" means a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London)(**8**);

"police area returning officer" in relation to a police area, means the person for the time being designated by an order made under section 54(1)(b) of the Police Reform and Social Responsibility Act 2011 (returning officers etc)(**9**) as the police area returning officer for that area, so far as such an order applies for the purposes of an election the poll for which is on or after 1st May 2016.

(2) Except so far as it relates to a voting area mentioned in Schedule 6, a reference in this Order to a voting area is a reference to a voting area within the meaning of article 2(2) of the Police and Crime Commissioner Elections Order 2012(**10**) ("2012 Order").

(3) So far as it relates to a voting area mentioned in Schedule 6, a reference in this Order to a voting area is a reference to a voting area within the meaning of article 2(2B)(a) of the 2012 Order (meaning of voting area when an Assembly general election and an ordinary election of police and crime commissioners are combined)(**11**).

# PART 2

## Charges for services and expenses of local returning officers

**Local returning officers: overall maximum recoverable amount**

**3.**—(1) Subject to paragraphs (2) to (6), in respect of a local returning officer, the overall maximum recoverable amount for a voting area is the corresponding amount for that area listed in column 4 of the table in Schedule 1.

(2) Where, in a voting area listed in column 1 of the table in Schedule 2, the poll for an ordinary election of police and crime commissioners is taken together with the poll for an ordinary

(**4**) 2000 c. 22.
(**5**) S.I. 2007/236; amendments have been made to this instrument but they are not relevant to this Order. "Assembly general election" is defined in article 2(1).
(**6**) A new Part 1A of the Local Government Act 2000 was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20). Section 9H is in Chapter 2 of Part 1A.
(**7**) 1972 c. 70; subsection (2) was amended by section 102 of, and paragraph 3 of Schedule 16 to, the Local Government Act 1985 (c. 51). Other amendments have been made to this section but they are not relevant to this Order.
(**8**) 1996 c. 16; Schedule 1 has been amended by section 129 of the Police Act 1997 (c. 50) and by S.I.s 1997/1844; 1997/1845; 1997/1846; 1997/1847; 1997/1849; 1997/1850; 1997/1855; 1997/1857; and 2009/119.
(**9**) The Secretary of State's functions under section 54(1) are exercisable concurrently with the Chancellor of the Duchy of Lancaster by virtue of S.I. 2015/1376 so far as they relate to an election the poll for which is on or after 1st May 2016.
(**10**) S.I. 2012/1917; relevant amendments to article 2 are made by S.I. 2015/1526 and S.I. 2016/300.
(**11**) paragraphs (2A) to (2C) were inserted by S.I. 2016/300.

election of councillors (and no other), the overall maximum recoverable amount for that area is the corresponding amount listed in column 4 of the table.

(3) Where, in a voting area listed in column 1 of the table in Schedule 3, the poll for an ordinary election of police and crime commissioners is taken together with the poll for an election for the return of an elected mayor and the poll for an ordinary election of councillors (and no others), the overall maximum recoverable amount for that area is the corresponding amount listed in column 4 of the table.

(4) Where, in the voting area listed in column 1 of the table in Schedule 4, the poll for an ordinary election of police and crime commissioners is taken together with the poll for a governance referendum and the poll for an ordinary election of councillors (and no others), the overall maximum recoverable amount for that area is the amount listed in column 4 of the table.

(5) Where, in a voting area listed in column 1 of the table in Schedule 5, the poll for an ordinary election of police and crime commissioners is taken together with the poll for a governance referendum (and no other), the overall maximum recoverable amount for that area is the corresponding amount listed in column 4 of the table.

(6) Where, in a voting area listed in column 1 of the table in Schedule 6, the poll for an ordinary election of police and crime commissioners is taken together with the poll at an Assembly general election (and no other), the overall maximum recoverable amount for that area is the corresponding amount listed in column 4 of the table.

**Local returning officers: maximum recoverable amount for specified services**

**4.**—(1) Subject to paragraphs (2) to (6), the total of the charges recoverable by a local returning officer in respect of the services specified in paragraph (7) ("the services") must not exceed the corresponding amount listed for each voting area in column 2 of the table in Schedule 1.

(2) Where, in a voting area listed in column 1 of the table in Schedule 2, the poll for an ordinary election of police and crime commissioners is taken together with the poll for an ordinary election of councillors (and no other), the total of the charges recoverable by the local returning officer in respect of the services must not exceed the amount listed for that area in column 2 of the table.

(3) Where, in a voting area listed in column 1 of the table in Schedule 3, the poll for an ordinary election of police and crime commissioners is taken together with the poll for an election for the return of an elected mayor and the poll for an ordinary election of councillors (and no others), the total of the charges recoverable by the local returning officer in respect of the services must not exceed the amount listed for that area in column 2 of the table.

(4) Where, in the voting area listed in column 1 of the table in Schedule 4, the poll for an ordinary election of police and crime commissioners is taken together with the poll for a governance referendum and the poll for an ordinary election of councillors (and no others), the total of the charges recoverable by the local returning officer in respect of the services must not exceed the amount listed for that area in column 2 of the table.

(5) Where, in a voting area listed in column 1 of the table in Schedule 5, the poll for an ordinary election of police and crime commissioners is taken together with the poll for a governance referendum (and no other), the total of the charges recoverable by the local returning officer in respect of the services must not exceed the amount listed for that area in column 2 of the table.

(6) Where, in a voting area listed in column 1 of the table in Schedule 6, the poll for an ordinary election of police and crime commissioners is taken together with the poll at an Assembly general election (and no other), the total of the charges recoverable by the local returning officer in respect of the services must not exceed the amount listed for that area in column 2 of the table.

(7) The services specified are—

(a) making arrangements for the police and crime commissioner election; and

(b) discharging the local returning officer's duties at that election.

**Local returning officers: maximum recoverable amount for specified expenses**

**5.**—(1) Subject to paragraphs (2) to (6), the total of the charges recoverable by a local returning officer in respect of the expenses specified in paragraph (7) ("the expenses") must not exceed the corresponding amount listed for each voting area in column 3 of the table in Schedule 1.

(2) Where, in a voting area listed in column 1 of the table in Schedule 2, the poll for an ordinary election of police and crime commissioners is taken together with the poll for an ordinary election of councillors (and no other), the total of the charges recoverable by the local returning officer in respect of the expenses must not exceed the amount listed for that area in column 3 of the table.

(3) Where, in a voting area listed in column 1 of the table in Schedule 3, the poll for an ordinary election of police and crime commissioners is taken together with the poll for an election for the return of an elected mayor and the poll for an ordinary election of councillors (and no others), the total of the charges recoverable by the local returning officer in respect of the expenses must not exceed the amount listed for that area in column 3 of the table.

(4) Where, in the voting area listed in column 1 of the table in Schedule 4, the poll for an ordinary election of police and crime commissioners is taken together with the poll for a governance referendum and the poll for an ordinary election of councillors (and no others), the total of the charges recoverable by the local returning officer in respect of the expenses must not exceed the amount listed for that area in column 3 of the table.

(5) Where, in a voting area listed in column 1 of the table in Schedule 5, the poll for an ordinary election of police and crime commissioners is taken together with the poll for a governance referendum (and no other), the total of the charges recoverable by the local returning officer in respect of the expenses must not exceed the amount listed for that area in column 3 of the table.

(6) Where, in a voting area listed in column 1 of the table in Schedule 6, the poll for an ordinary election of police and crime commissioners is taken together with the poll at an Assembly general election (and no other), the total of the charges recoverable by the local returning officer in respect of the expenses must not exceed the amount listed for that area in column 3 of the table.

(7) The expenses specified are those incurred in—

(a) the appointment and payment of persons to assist the local returning officer;

(b) any travel and overnight subsistence for the local returning officer and any person appointed to assist the local returning officer;

(c) printing or otherwise producing the ballot paper;

(d) printing, or otherwise producing, or buying the postal vote stationery;

(e) printing, or otherwise producing, and arranging for the delivery of poll cards;

(f) printing, or otherwise producing, and where appropriate publishing, notices and any other documents required by an enactment for or in connection with the police and crime commissioner election;

(g) renting, heating, lighting, cleaning, adapting or restoring any building or room*;*

(h) providing and transporting equipment;

(i) providing information and communications technology, equipment and software, and associated costs;

(j) providing for the safekeeping and security of ballot papers (including, where necessary, the secure storage of ballot boxes) and any verification documents kept by the returning officer*;*

(k) conducting the verification of ballot paper accounts and the count;

(l) providing and receiving training;

(m) providing stationery and meeting postage, telephone, printing, translation and banking costs, and the costs of other miscellaneous items.

# PART 3

## Charges for services and expenses of police area returning officers

**Police area returning officers: overall maximum recoverable amount**

**6.** In respect of a police area returning officer, the overall maximum recoverable amount for each police area is the corresponding amount listed in column 4 of the table in Schedule 7.

**Police area returning officers: maximum recoverable amount for specified services**

**7.**—(1) The total of the charges recoverable by a police area returning officer in respect of the services specified in paragraph (2) must not exceed the corresponding amount listed for each police area in column 2 of the table in Schedule 7.

(2) The services specified are—

(a) making arrangements for the election; and

(b) discharging the police area returning officer's duties at the election.

**Police area returning officers: maximum recoverable amount for specified expenses**

**8.**—(1) The total of the charges recoverable by a police area returning officer in respect of the expenses specified in paragraphs (2) and (3) must not exceed the corresponding amount listed for each police area in column 3 of the table in Schedule 7.

(2) The expenses specified in this paragraph are those incurred in—

(a) the appointment and payment of persons to assist the police area returning officer;

(b) any travel and overnight subsistence for the police area returning officer and any person appointed to assist the police area returning officer;

(c) discharging the police area returning officer's functions in relation to the nomination process;

(d) obtaining legal advice or any translations required in connection with candidates' election addresses;

(e) printing or otherwise producing the ballot paper;

(f) printing or otherwise producing, and where appropriate publishing, notices required by an enactment for or in connection with the police and crime commissioner election;

(g) renting, heating, lighting, cleaning, adapting or restoring any building or room;

(h) providing and transporting equipment;

(i) providing security;

(j) conducting the verification of ballot paper accounts and the count;

(k) providing and receiving training;

(l) providing stationery and meeting postage, telephone, printing, translation and banking costs, and the costs of other miscellaneous items.