WELSH STATUTORY INSTRUMENTS

2002 No. 3053 (W.288)

REPRESENTATION OF THE PEOPLE, WALES

The National Assembly for Wales (Returning Officers' Charges) Order 2002

Made - - - - 10th December 2002

Coming into force - - 1st January 2003

The National Assembly for Wales, in exercise of the powers conferred upon it by article 20(1) and (2) of the National Assembly for Wales (Representation of the People) Order 1999(**1**), and having carried out consultation with the Electoral Commission hereby makes the following Order—

Name and commencement

1. The name of this Order is the National Assembly for Wales (Returning Officers' Charges) Order 2002 and shall come into force on 1st January 2003.

Interpretation

2. In this Order—

"the Assembly" ("*y CynulliadM*") means the National Assembly for Wales,

"Assembly constituency" ("*etholaeth Cynulliad*") and "Assembly electoral region" ("*rhanbarth etholiadol Cynulliad*") are to be construed in accordance with section 2(2) of, and Schedule 1 to, the Government of Wales Act 1998(**2**),

"Assembly election" ("*etholiad Cynulliad*") means a constituency election or a regional election,

"constituency election" ("*etholiad etholaeth*") means an election to return an Assembly member for an Assembly constituency,

"constituency returning officer" ("*swyddog canlyniadau etholaeth*") means the person who is the returning officer for a constituency election,

"ordinary election" ("*etholiad cyffredin*") means the holding of constituency and regional elections for the return of all Assembly members,

"regional election" ("*etholiad rhanbarthol*") means an election to return Assembly members for an Assembly electoral region,

(**1**) S.I. 1999/450.
(**2**) 1998 c. 38.

"regional returning officer" ("*swyddog canlyniadau rhanbarthol*") means the person who is the returning officer for a regional election,

"the 1999 Order" ("*Gorchymyn 1999*") means the National Assembly for Wales (Representation of the People) Order 1999, and

any reference to a register of electors is a reference to the register (or registers) of electors used at an Assembly election and to the register (or registers) as first published.

Specification for the purposes of article 20 of the 1999 Order

3.—(1) Subject to paragraph (2), for the purposes of article 20(1)(a) of the 1999 Order, the following services or expenses are hereby specified for, or in connection with, an Assembly election —

(a) services of a kind described in paragraphs 1(1) and 2(1) of the Schedule,

(b) expenses of a kind described in paragraphs 3(1), 4(1), 5(1) and 6(1) of the Schedule, and

(c) expenses of a kind described in paragraphs 8 to 19 of the Schedule.

(2) Where in relation to an Assembly constituency there is an uncontested regional election (whether or not at an ordinary election) the specification under paragraph (1) shall not have effect in relation to—

(a) services of a kind described in paragraph 1(1) of the Schedule, and

(b) expenses of a kind described in paragraphs 3(1), 4(1) and 7(1) of the Schedule,

in relation to that Assembly constituency at the regional election.

(3) Paragraphs (4) to (6) of this article specify maximum recoverable amounts for the purposes of article 20(2) of the 1999 Order in respect of the specified services and expenses in Parts I and II of the Schedule.

(4) Subject to paragraph (5), at a contested Assembly election the maximum recoverable amounts set out in the Schedule in relation to the specified services and expenses in Parts I and II of the Schedule are hereby specified as the maximum recoverable amounts in relation to those services and expenses.

(5) But where at an ordinary election in relation to an Assembly constituency there are polls at a constituency election and at a regional election any maximum recoverable amount specified by this Order shall have effect in relation to both elections in relation to that Assembly constituency where (apart from this paragraph) it would otherwise have effect in relation to each such election.

(6) At an uncontested Assembly election the maximum recoverable amounts are hereby specified as—

(a) £424.00 for a constituency returning officer at a constituency election in respect of the specified services in Part I of the Schedule,

(b) £85.00 for a regional returning officer at a regional election in respect of the specified services in Part I of the Schedule,

(c) £1,047.00 for a constituency returning officer at a constituency election in respect of the specified expenses in Part II of the Schedule, and

(d) £210.00 for a regional returning officer at a regional election in respect of the specified expenses in Part II of the Schedule.

Revocation

4. The National Assembly for Wales (Returning Officers' Charges) Order 1999(**3**) is hereby revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**)

D. Elis-Thomas
10th December 2002 The Presiding Officer of the National Assembly

(**3**) O.S. 1999/42.
(**4**) 1998 c. 38.

SCHEDULE

Services and Expenses in respect of which a Constituency or a Regional Returning Officer at an Assembly Election may Recover Charges.

Article 3

PART I

Services of a Constituency or a Regional Returning Officer for which Maximum Recoverable Amounts are Specified

Services of constituency returning officer including the issue and receipt of postal ballot papers

1.—(1) This paragraph makes provision for a constituency returning officer's services in conducting an Assembly election and discharging that person's duties in connection therewith (including the issue and receipt of the ballot papers for persons entitled to vote by post).

(2) Subject to sub-paragraphs (3) to (5), the maximum recoverable amount at an Assembly election for the specified services in sub-paragraph (1) is £2,077.00.

(3) At an ordinary election the amount mentioned in sub-paragraph (2) is increased by £1,082.00 where in relation to an Assembly constituency there are polls at a constituency election and at a regional election.

(4) The amount mentioned in sub-paragraph (2) is increased by £312.00 where the poll at an Assembly election is combined with the poll at a local government election under article 14(1) or (2) of the 1999 Order.

(5) Where at an ordinary election a person is returning officer at more than three constituency elections the amount mentioned in sub-paragraph (2) is reduced by £260.00 for each such election exceeding three.

Services of regional returning officer

2.—(1) This paragraph makes provision for a regional returning officer's services in conducting a regional election and discharging that persons duties in connection therewith.

(2) The maximum recoverable amount at a regional election for the specified services in sub-paragraph (1) is £1,082.00.

PART II

Expenses of a Constituency or a Regional Returning Officer for which Maximum Recoverable Amounts are Specified

Payment of presiding officers at polling stations

3.—(1) This paragraph makes provision for a constituency returning officer's expenses at an Assembly election in respect of the payment of presiding officers at polling stations.

(2) Subject to sub-paragraphs (3) to (6), the maximum recoverable amount at an Assembly election for the specified expenses in sub-paragraph (1) (including expenses incurred in respect of a person who takes over the duties of a presiding officer on polling day due to the incapacity of the