Draft Regulations laid before Parliament under section 154(2)(a) of the Police Reform and Social Responsibility Act 2011, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

POLICE, ENGLAND AND WALES

The Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012

Made - - - - ***

Coming into force in accordance with regulation 1(2)

These Regulations are made by the Secretary of State, in exercise of the powers conferred by sections 54(2) and 154(5)(a) and (c) of the Police Reform and Social Responsibility Act 2011(**1**).

In accordance with section 7(2)(hb) of the Political Parties, Elections and Referendums Act 2000(**2**), the Secretary of State has consulted the Electoral Commission.

A draft of these Regulations has been approved by a resolution of each House of Parliament pursuant to section 154(2)(a) of the Police Reform and Social Responsibility Act 2011.

Citation and commencement

1.—(1) These Regulations may be cited as the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012.

(2) These Regulations come into force on the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

"the 1983 Act" means the Representation of the People Act 1983(**3**);

"the 2011 Act" means the Police Reform and Social Responsibility Act 2011;

"PCC election" means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act;

(**1**) 2011 c.13.
(**2**) 2000 c.41. Section 7(2)(hb) is inserted by paragraph 11 of Schedule 10 to the Police Reform and Social Responsibility Act 2011.
(**3**) 1983 c.2.

"PCC elections rules" means the elections rules set out in Schedule 3 to the Police and Crime Commissioner Elections Order 2012(**4**);

"police area" means a police area listed in Schedule 1 to the Police Act 1996(**5**) (police areas outside London);

"registration officer" means an electoral registration officer;

"voting area" has the meaning given by paragraph (2).

(2) Each of the following, as it exists on the day of a PCC election, is a "voting area" for the purposes of these Regulations—

(a) a district for which there is a district Council,

(b) a county in England in which there are no districts with councils,

(c) the Isles of Scilly,

(d) a county or county borough in Wales.

General duties of police area returning officers and local returning officers

3.—(1) It is the general duty of each police area returning officer and local returning officer to do whatever things are necessary for conducting a PCC election in the police area or voting area for which the officer acts.

(2) The police area returning officer is responsible, as regards that police area, for—

(a) the giving of notice of any PCC election,

(b) the conduct of nomination procedures for candidates,

(c) ensuring that the requirements as to the content of candidate election addresses, and the procedures for submitting them, are complied with, and

(d) the calculation of votes given for each candidate and the declaration of the result.

(3) The local returning officer for a voting area is responsible, as regards that voting area, for—

(a) the conduct of the poll,

(b) the printing of the ballot papers,

(c) the issue and receipt of postal ballot papers for electors and their proxies,

(d) the verification of the statements made under rule 49(6) of the PCC elections rules (ballot paper accounts), and

(e) the counting of the votes given.

(4) But the police area returning officer may take responsibility for any of the matters listed in paragraph (3)(b), (d) and (e) on giving notice to the local returning officer concerned.

(5) Paragraphs (2) to (4)—

(a) are in addition to functions otherwise conferred or imposed on police area returning officers or local returning officers by or under the 2011 Act, and

(b) are subject to any contrary provision which—

(i) is made by virtue of section 58(2)(e) of the 2011 Act (which relates to the combination of polls at a PCC election and other polls), or

(ii) is contained in any consequential provision made under section 58(5) of that Act.

(**4**) S.I. [*Insert*].
(**5**) 1996 c.16.

Power to give directions

4.—(1) A police area returning officer may give local returning officers for any voting area wholly or partly comprised in the police area—

(a) directions about the discharge of their functions in relation to PCC elections;

(b) directions requiring them to take specified steps in preparation for a PCC election;

(c) directions requiring them to provide the police area returning officer with information that they have or are entitled to have.

(2) Where—

(a) the poll at a PCC election is taken together with the poll at one or more other elections or referendums under article 13 of the Police and Crime Commissioner Elections Order 2012, and

(b) the person who discharges the functions specified in regulation 5 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(**6**) is a person other than—

(i) the returning officer for a parliamentary election, or

(ii) the local returning officer for a voting area wholly or partly comprised in the police area,

the police area returning officer may give to the person who does discharge those functions directions as to the time by which the procedures must begin under whichever of the following provisions applies to that person.

(3) The provisions referred to in paragraph (2) are—

(a) rule 45 of the rules set out in Schedule 3 to the Local Elections (Principal Areas) (England and Wales) Rules 2006(**7**) (the count at combined polls);

(b) rule 45 of the rules set out in Schedule 3 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006(**8**) (the count at combined polls);

(c) rule 47 of the rules set out in Schedule 3 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(**9**) (the first count at combined polls);

(d) rule 38 of the rules set out in Schedule 5 to the Local Authorities (Conduct of Referendums) (England) Regulations 2012(**10**) (the count at combined polls);

(e) rule 38 of the rules set out in Schedule 5 to the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012(**11**) (the count at combined polls).

(4) Any person to whom the police area returning officer gives a direction under this regulation must comply with it.

Deputies and clerks

5.—(1) A police area returning officer and a local returning officer may appoint—

(a) deputies to discharge any or all of the officer's functions;

(b) however many clerks are necessary to assist in carrying out the officer's functions.

(**6**) S.I. 2004/294. Regulation 5 applies to elections of a police and crime commissioner by virtue of amendments contained in Part 2 of Schedule 4 to the Police and Crime Commissioners Elections Order 2012. It is also amended by S.I. 2006/3278 and applied with modifications by S.I. 2012/323 and 444.
(**7**) S.I. 2006/3304.
(**8**) S.I. 2006/3305.
(**9**) S.I. 2007/1024.
(**10**) S.I. 2012/323.
(**11**) S.I. 2012/444.