

The Parliamentary Elections (Returning Officers' Accounts) Regulations 2019

Made - - - - 4th November 2019

Coming into force in accordance with regulation 1(1)

The Minister for the Cabinet Office makes the following Regulations in exercise of the powers conferred by sections 29(8) and 201(1) and (3) of the Representation of the People Act 1983(a) and now vested in the Minister for the Cabinet Office(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Parliamentary Elections (Returning Officers' Accounts) Regulations 2019 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales and Scotland.

Interpretation

2. In these Regulations—

“the Act” means the Representation of the People Act 1983;

“account” means an account prepared by a returning officer for the purposes of section 29(5) of the Act (payments by and to a returning officer)(c) and includes an account or part of an account prepared for that purpose in order to account for the use of an advance made under section 29(7) of the Act(d); and

“Accounting Officer” means the accounting officer to whom an account must be addressed under regulation 5.

Revocation

3. The Parliamentary Elections (Returning Officers' Accounts) Regulations 2017 are revoked.

Requirement to submit accounts

4. Returning officers must submit an account in accordance with these Regulations.

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- (a) 1983 c. 2. Section 29(8) was substituted by the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I. 1991/1728) and subsequently by paragraph 6(3) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41) (“the PPER Act 2000”) but paragraph 6(3) is not yet in force. Section 201(1) was amended by S.I. 1991/1728, and subsequently by paragraph 6(7)(a) of Schedule 21 to the PPER Act 2000, but paragraph 6(7)(a) is not yet in force. Section 201(2) was amended by para 6(7)(b) of Schedule 21 to the PPER Act 2000, but this amendment currently has no effect on Regulations made under section 29(8): see the Political Parties, Elections and Referendums Act 2000 (Commencement No. 1 and Transitional Provision) Order 2001 (S.I. 2001/222). Section 201(3) was inserted by paragraph 21 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by paragraph 6(7)(d) of Schedule 21 to the PPER Act.
- (b) S.I. 1991/1728 transferred the functions formerly conferred on the Treasury by section 29 to the Secretary of State. The power conferred on the Secretary of State by sections 29(8) and 201(3) was made exercisable concurrently by the Lord President of the Council and the Secretary of State by the Lord President of the Council Order 2010 (S.I. 2010/1837). The Lord President of the Council's functions were transferred to the Chancellor of the Duchy of Lancaster by the Chancellor of the Duchy of Lancaster Order 2015 (S.I. 2015/1376); and those functions were subsequently transferred to the Minister for the Cabinet Office by the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997).
- (c) Section 29(5) was amended by section 1(3) of the Representation of the People Act 1991 (c. 11) and S.I. 1991/1728 and subsequently substituted by paragraph 6(3) of Schedule 21 to the PPER Act 2000, as amended by paragraphs 104 and 107 of Schedule 1 to the Electoral Administration Act 2006 (c. 22), but paragraph 6(3) is not yet in force.
- (d) Section 29(7) was amended by S.I. 1991/1728. It was subsequently substituted by paragraph 6(3) of Schedule 21 to the PPER Act 2000 but paragraph 6(3) is not yet in force.

Address for submission of accounts

5. An account must be addressed to the Accounting Officer and sent to the Electoral Claims Unit, Rosebery Court, St Andrews Business Park, Norwich, NR7 0HS.

Time for submission of accounts

6.—(1) Subject to paragraphs (2) and (3), an account must be submitted within the period of 9 months commencing with the day of the declaration of the result of the parliamentary election to which the charges in the account relate.

(2) If a returning officer is unable to submit an account within the period referred to in paragraph (1), that officer may, before the end of that period, apply to the Accounting Officer for an extension of time for the submission of the account.

(3) If the Accounting Officer agrees to an extension of time for the submission of the account, the returning officer must submit the account within such extended period as the Accounting Officer specifies.

Form of accounts

7.—(1) An account must—

- (a) be in writing; and
- (b) show the charges in respect of each listed item separately.

(2) In this regulation “listed item” means any of the types of services rendered, and expenses incurred, by a returning officer which are specified in an Order made under section 29(3) and (3A) of the Act(a) in force at the date of the poll of the parliamentary election to which the charges in the account relate.

Declaration etc. to be submitted with accounts

8.—(1) An account must be accompanied by a declaration, signed by the returning officer, in the following terms—

“I declare that the account for the purposes of the payment of any charges in respect of services necessarily rendered and expenses necessarily incurred for the efficient and effective conduct of the parliamentary election in the area for which I am responsible is correct to the best of my knowledge and belief”.

(2) If requested to do so by or on behalf of the Accounting Officer, the returning officer must submit supporting documentation relating to their account.

4th November 2019

Oliver Dowden
Paymaster General & Minister for the Cabinet Office
Cabinet Office

(a) Section 29(3) was amended by paragraphs 3 and 4 of Schedule 6 to the Representation of the People Act 2000, section 68 of the Electoral Administration Act 2006 (c. 22) and section 18(1) of the Electoral Registration and Amendment Act 2013 (c. 6). Section 3A was substituted by section 68 of the Electoral Administration Act 2006. Paragraph 6(3) of Schedule 21 to the PPER Act 2000, as amended by paragraphs 104 and 107 of Schedule 1 to the Electoral Administration Act 2006, substituted subsections (3) to (4C) but paragraph 6(3) is not yet in force.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Parliamentary Elections (Returning Officers' Charges) Order 2019 sets out the maximum amounts which returning officers can recover in respect of their services and expenses incurred in connection with parliamentary elections in England, Wales and Scotland. These Regulations make provision as to the manner and form in which returning officers' accounts are to be prepared and submitted, in order to obtain reimbursement in relation to such services and expenses.

The Regulations revoke and replace the Parliamentary Elections (Returning Officers' Accounts) Regulations 2017.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.