

POLICY NOTE

THE SCOTTISH INDEPENDENCE REFERENDUM (CHIEF COUNTING OFFICER AND COUNTING OFFICER CHARGES) ORDER 2014

SSI 2014/101

The above instrument was made in exercise of the powers conferred by section 9(3) of the Scottish Independence Referendum Act 2013. The instrument is not subject to Parliamentary procedure.

Policy Objectives

Section 9 of the Scottish Independence Referendum Act 2013 provides that Scottish Ministers must make a fees and charges order to set out the maximum recoverable amounts counting officers (including the Chief Counting Officer) can claim for specified charges and expenses incurred in delivering the referendum.

This Order specifies the areas of expenditure incurred in the course of conducting the referendum for which the Chief Counting Officer and counting officers may be reimbursed. In recognition of their personal responsibilities, it provides that the Chief Counting Officer and counting officers may claim an amount for discharging their duties at, and making arrangements for, the referendum. For each local government area the Order sets a maximum amount limiting how much the relevant counting officer may claim for specified charges and expenses. The Order also sets a maximum recoverable amount for expenses in relation to the Chief Counting Officer. This is in line with the funding arrangements for counting and returning officers in UK elections and referendums.

Consultation

The Scottish Government has undertaken early and on-going consultation with counting officers and the Chief Counting Officer's team in the preparation of this Order to ensure that counting officers are properly resourced to deliver a well-run referendum that meets the highest international standards. Counting officers provided data on expenditure in recent elections, which was used to inform initial estimates. Draft figures were shared with counting officers for consultation and comments sought on the proposed approach, and a total of 15 responses were received. The issue was also discussed with the Electoral Management Board, at key stakeholder meetings and with the Chief Counting Officer's team. Feedback was taken into account in revising the draft figures.

Impact Assessments

While the maximum recoverable amounts are based on expenditure in previous elections and referendums, certain adjustments have been made to take account of specific local issues.

An Equality Impact Assessment has been completed in respect of the Scottish Independence Referendum Act 2013 and is available at:

<http://www.scotland.gov.uk/Publications/2013/04/7079>

No adverse impacts on particular groups are expected as a result of this policy. As the existing document already details the Scottish Government's considerations, no separate Equality Impact Assessment has been prepared for this Order.

Financial Effects

Counting officer costs will be borne by local authorities, but reimbursed by the Scottish Government. An advance of 75% of the maximum recoverable amount will be paid to counting officers ahead of the referendum, in line with standard practice, which will reduce the financial pressures on local authorities.

A Business and Regulatory Impact Assessment (BRIA) has been completed in respect of the Scottish Independence Referendum Act 2013 and is available at:
<http://www.scotland.gov.uk/Publications/2013/04/5007>

As that document already details the nature of any business impacts and costs associated with running the referendum, no separate Business and Regulatory Impact Assessment has been prepared for this Order.