

2016 No. 10

REPRESENTATION OF THE PEOPLE

The Scottish Parliament Elections (Returning Officer Fees and Charges) Regulations 2016

Made - - - - *11th January 2016*
Laid before the Scottish Parliament *13th January 2016*
Coming into force - - *5th April 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by article 18 of the Scottish Parliament (Elections etc.) Order 2015(a).

PART 1

Introductory and General

Citation and commencement

1. These Regulations may be cited as the Scottish Parliament Elections (Returning Officer Fees and Charges) Regulations 2016 and come into force on 5th April 2016.

Interpretation

2. In these Regulations—

“the 2015 Order” means the Scottish Parliament (Elections etc.) Order 2015;

“account” means the account submitted to the Scottish Ministers under article 18(5) of the 2015 Order for the purpose of payment of a returning officer’s charges;

“combined”, in relation to a poll, means taken together with another poll under article 13 of the 2015 Order (combination of polls) or section 4 of the Parliamentary Voting System and Constituencies Act 2011(b) (combination of polls);

“constituency” means a constituency provided for by Schedule 1 to the Scotland Act 1998(c);

“constituency returning officer” means the officer who, in accordance with article 14 of the 2015 Order, is the constituency returning officer for a Scottish parliamentary election in a constituency;

(a) S.S.I. 2015/425.

(b) 2011 c.1.

(c) 1998 c.46. Schedule 1 was amended by the Scottish Parliament (Constituencies) Act 2004 (c. 13), Schedule 1, by the Scotland Act 2012 (c.11), Schedule 1 and by S.I. 2010/2691. The constituencies are now those specified in Schedule 1 to S.I. 2010/2691 as well as those of the Orkney Islands and the Shetland Islands.

“regional returning officer” means a regional returning officer for the purposes of the Scotland Act 1998(a); and

“Scottish parliamentary election” means an election for membership of the Scottish Parliament.

PART 2

Constituency Returning Officers

Maximum total recoverable amount

3. For the purposes of article 18(2)(a) of the 2015 Order, the maximum total recoverable amount for the constituency returning officer for a constituency is—

- (a) where the poll at a Scottish parliamentary election is not combined, the amount listed opposite that constituency in column 4 of the table in the Schedule;
- (b) where the poll at a Scottish parliamentary election is combined, the total of the amounts provided for by regulations 4(1)(a) and 5(1)(b); or
- (c) where the election is uncontested, £2,000.

Maximum recoverable amount for specified services

4.—(1) For the purposes of article 18(2)(c) of the 2015 Order, the maximum recoverable amount for the services specified in paragraph (2) for the constituency returning officer for a constituency is—

- (a) whether or not the poll at a Scottish parliamentary election is combined, the amount listed opposite that constituency in column 2 of the table in the Schedule; or
- (b) where the election is uncontested, £600.

(2) The specified services are—

- (a) conducting the election;
- (b) discharging the constituency returning officer’s duties at the election; and
- (c) making arrangements for the election.

Maximum recoverable amount for specified expenses

5.—(1) For the purposes of article 18(2)(c) of the 2015 Order, the maximum recoverable amount for the expenses specified in paragraph (2) for the constituency returning officer for a constituency is—

- (a) where the poll at a Scottish parliamentary election is not combined, the amount listed opposite that constituency in column 3 of the table in the Schedule;
- (b) where the poll at a Scottish parliamentary election is combined, 80 per cent of the amount so listed; or
- (c) where the election is uncontested, £1,400.

(2) The specified expenses are—

- (a) the appointment and payment of persons to assist the constituency returning officer;
- (b) travel and overnight subsistence for the constituency returning officer and any person appointed to assist the constituency returning officer;
- (c) the costs of the nomination process;

(a) See S.S.I. 2016/9.

- (d) printing or otherwise producing the ballot papers;
- (e) printing, producing or purchasing postal vote stationery;
- (f) printing (or otherwise producing) and arranging for the delivery of poll cards;
- (g) printing or otherwise producing and, where appropriate, publishing notices and any other documents required by any enactment for or in connection with the election;
- (h) renting, heating, lighting, cleaning, adapting, or restoring any building or room;
- (i) providing and transporting equipment;
- (j) providing information and communications technology equipment and software and associated costs;
- (k) providing security, including any necessary secure storage of ballot boxes, ballot papers and verification documents;
- (l) conducting the verification and the count;
- (m) providing and receiving training; and
- (n) providing stationery and meeting postage, telephone, printing, translation and banking costs and the costs of other miscellaneous items for or in connection with the election.

PART 3

Regional Returning Officers

Maximum total recoverable amount

6. For the purposes of article 18(2)(a) of the 2015 Order, the maximum total recoverable amount for a regional returning officer is—

- (a) where the election is contested, £4,950; or
- (b) where the election is uncontested, £400.

Maximum recoverable amount for specified services

7.—(1) For the purposes of article 18(2)(c) of the 2015 Order, the maximum recoverable amount for the services specified in paragraph (2) for a regional returning officer is—

- (a) where the election is contested, £750; or
- (b) where the election is uncontested, £150.

(2) The specified services are—

- (a) discharging the regional returning officer's duties at the election; and
- (b) making arrangements for the election.

Maximum recoverable amount for specified expenses

8.—(1) For the purposes of article 18(2)(c) of the 2015 Order, the maximum recoverable amount for the expenses specified in paragraph (2) for a regional returning officer is—

- (a) where the election is contested, £4,200; or
- (b) where the election is uncontested, £250.

(2) The specified expenses are—

- (a) the appointment and payment of persons to assist the regional returning officer;
- (b) travel and overnight subsistence for the regional returning officer and any person appointed to assist the regional returning officer;
- (c) printing or otherwise producing and, where appropriate, publishing notices and any other documents required by any enactment for or in connection with the election;

- (d) renting, heating, lighting, cleaning, adapting or restoring any building or room;
- (e) providing and transporting equipment;
- (f) providing training; and
- (g) providing stationery and meeting postage, telephone, printing, translation and banking costs and the costs of other miscellaneous items for or in connection with the election, including those which are incurred in collating the results of the election.

PART 4

Submission of Accounts

Accounts

9.—(1) An account must be submitted in a form acceptable to the Scottish Ministers and, unless otherwise agreed with the Scottish Ministers, must be fully submitted within six months of—

- (a) in the case of a constituency returning officer, the day of the declaration of the result of the Scottish parliamentary election to which the charges in the account relate; and
- (b) in the case of a regional returning officer, the day on which the regional members' seats are allocated for the Scottish parliamentary election to which the charges in the account relate.

(2) If requested by the Scottish Ministers, a constituency returning officer or a regional returning officer must provide them with full financial records and receipts relating to any charge contained in an account.

JOE FITZPATRICK

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
11th January 2016

SCHEDULE

Regulations 3, 4 and 5

Maximum total recoverable amounts and maximum recoverable amounts for returning officers' specified services and specified expenses for Scottish Parliament constituency polls

<i>(1)</i> Constituency	<i>(2)</i> Maximum recoverable amount for specified services	<i>(3)</i> Maximum recoverable amount for specified expenses	<i>(4)</i> Maximum total recoverable amount
Aberdeen Central	£4,157	£159,283	£163,440
Aberdeen Donside	£4,135	£166,206	£170,341
Aberdeen South and North Kincardine	£4,039	£165,698	£169,737
Aberdeenshire East	£4,073	£159,009	£163,082
Aberdeenshire West	£3,952	£171,051	£175,003
Airdrie and Shotts	£3,875	£140,566	£144,441
Almond Valley	£4,474	£144,199	£148,673
Angus North and Mearns	£3,875	£153,632	£157,507
Angus South	£4,047	£147,393	£151,440
Argyll and Bute	£3,875	£211,363	£215,238
Ayr	£4,561	£203,198	£207,759
Banffshire and Buchan Coast	£4,181	£160,421	£164,602
Caithness, Sutherland and Ross	£4,147	£169,952	£174,099
Carrick, Cumnock and Doon Valley	£4,437	£128,226	£132,663
Clackmannanshire and Dunblane	£3,875	£144,670	£148,545
Clydebank and Milngavie	£3,972	£153,235	£157,207
Clydesdale	£4,208	£171,423	£175,631
Coatbridge and Chryston	£3,875	£137,618	£141,493
Cowdenbeath	£3,997	£136,101	£140,098
Cumbernauld and Kilsyth	£3,875	£131,985	£135,860

<i>(1)</i> <i>Constituency</i>	<i>(2)</i> <i>Maximum recoverable amount for specified services</i>	<i>(3)</i> <i>Maximum recoverable amount for specified expenses</i>	<i>(4)</i> <i>Maximum total recoverable amount</i>
Cunninghame North	£4,181	£124,513	£128,694
Cunninghame South	£3,875	£117,585	£121,460
Dumbarton	£4,042	£157,034	£161,076
Dumfriesshire	£4,402	£196,631	£201,033
Dundee City East	£3,988	£143,531	£147,519
Dundee City West	£3,875	£143,279	£147,154
Dunfermline	£4,039	£140,618	£144,657
East Kilbride	£4,363	£159,088	£163,451
East Lothian	£4,101	£130,765	£134,866
Eastwood	£3,875	£122,747	£126,622
Edinburgh Central	£4,203	£193,256	£197,459
Edinburgh Eastern	£4,302	£185,830	£190,132
Edinburgh Northern and Leith	£4,222	£204,075	£208,297
Edinburgh Pentlands	£3,995	£202,229	£206,224
Edinburgh Southern	£4,136	£198,413	£202,549
Edinburgh Western	£4,258	£207,175	£211,433
Na h-Eileanan an Iar	£3,875	£82,086	£85,961
Ettrick, Roxburgh and Berwickshire	£4,031	£139,438	£143,469
Falkirk East	£4,285	£120,853	£125,138
Falkirk West	£4,181	£120,317	£124,498
Galloway and West Dumfries	£4,222	£197,116	£201,338
Glasgow Anniesland	£3,983	£158,005	£161,988
Glasgow Cathcart	£4,298	£164,172	£168,470
Glasgow Kelvin	£4,344	£157,517	£161,861
Glasgow Maryhill and Springburn	£4,039	£155,637	£159,676
Glasgow Pollok	£4,198	£154,992	£159,190
Glasgow Provan	£3,875	£148,936	£152,811

<i>(1)</i> <i>Constituency</i>	<i>(2)</i> <i>Maximum recoverable amount for specified services</i>	<i>(3)</i> <i>Maximum recoverable amount for specified expenses</i>	<i>(4)</i> <i>Maximum total recoverable amount</i>
Glasgow Shettleston	£3,876	£151,266	£155,142
Glasgow Southside	£3,875	£140,895	£144,770
Greenock and Inverclyde	£4,197	£144,146	£148,343
Hamilton, Larkhall and Stonehouse	£4,271	£157,036	£161,307
Inverness and Nairn	£4,588	£159,568	£164,156
Kilmarnock and Irvine Valley	£4,547	£126,219	£130,766
Kirkcaldy	£4,437	£147,959	£152,396
Linlithgow	£4,677	£150,929	£155,606
Mid Fife and Glenrothes	£4,003	£158,323	£162,326
Midlothian North and Musselburgh	£4,240	£149,904	£154,144
Midlothian South, Tweeddale and Lauderdale	£4,278	£129,692	£133,970
Moray	£4,178	£117,594	£121,772
Motherwell and Wishaw	£4,070	£138,114	£142,184
North East Fife	£4,420	£151,915	£156,335
Orkney Islands	£3,875	£45,721	£49,596
Paisley	£3,875	£141,413	£145,288
Perthshire North	£3,895	£148,392	£152,287
Perthshire South and Kinross-shire	£4,160	£144,433	£148,593
Renfrewshire North and West	£3,875	£141,273	£145,148
Renfrewshire South	£3,875	£142,032	£145,907
Rutherglen	£4,346	£151,200	£155,546
Shetland Islands	£3,875	£52,532	£56,407
Skye, Lochaber and Badenoch	£4,205	£183,068	£187,273

<i>(1)</i> <i>Constituency</i>	<i>(2)</i> <i>Maximum recoverable amount for specified services</i>	<i>(3)</i> <i>Maximum recoverable amount for specified expenses</i>	<i>(4)</i> <i>Maximum total recoverable amount</i>
Stirling	£3,909	£123,246	£127,155
Strathkelvin and Bearsden	£4,437	£126,380	£130,817
Uddingston and Bellshill	£4,198	£138,700	£142,898

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the total amounts that are recoverable by returning officers for their services and expenses in connection with the conduct of elections for membership of the Scottish Parliament.

Regional returning officers are responsible for receiving regional lists of candidates from registered political parties, receiving nominations of individual candidates to be regional members, calculating regional figures to allocate regional member seats to registered political parties and individual candidates and coordinating the functions of constituency returning officers in their region that relate to the poll to return regional members.

Constituency returning officers are responsible for all other functions in connection with the elections, including the counting of votes for the return of constituency members and the counting of the regional votes.

Under article 18 of the Scottish Parliament (Elections etc.) Order 2015 constituency returning officers and regional returning officers are entitled to recover their charges for services rendered and expenses incurred provided they were necessarily rendered or incurred and do not exceed a specified total amount. Article 18 also enables the Scottish Ministers to specify total amounts for particular types of services or expenses and to make provision about submission of accounts.

Regulations 3, 4 and 5 specify, for constituency returning officers, the total amount that may be recovered, the total amount for specified services and the total amount for specified expenses. For contested elections, the amounts are specified separately for each constituency in the Schedule. The total amount for specified expenses is reduced by 20% if a constituency poll is combined with another poll. For uncontested elections the amounts are as specified in those regulations and apply to all constituencies.

Regulations 6, 7 and 8 make equivalent provision for regional returning officers. The amounts apply for each region. Different amounts apply depending on whether the Scottish parliamentary election is contested or uncontested.

Regulation 9 makes provision for the timescales within which accounts are to be submitted and provides that supporting material, such as receipts, must be provided if the Scottish Ministers request it.

A full impact assessment has not been published for these Regulations as they have no impact on the private sector or voluntary organisations.

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Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland.

£6.00

S2016011314 01/2016 19585

<http://www.legislation.gov.uk/id/ssi/2016/10>

ISBN 978-0-11-103059-2



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