

## SCHEDULES

### SCHEDULE 7

#### Candidate election expenses

### PART 3

#### Supplemental

15.—(1) The Commission may prepare, and from time to time revise, a code of practice giving—

- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
- (b) guidance (supplementing the definition in article 50) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.

(2) Once the Commission have prepared a draft code under this paragraph, they must submit it for approval to the Secretary of State.

(3) The Secretary of State may approve a draft code either without modification or with such modifications as the Secretary of State may determine.

(4) Once the Secretary of State has approved a draft code, the Secretary of State must lay a copy of the draft, whether—

- (a) in its original form, or
- (b) in a form which incorporates any modifications determined under sub-paragraph (3),

before each House of Parliament.

(5) If the draft incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of the reasons for making them.

(6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code.

(7) If no such resolution is made within the 40-day period—

- (a) the Secretary of State must issue the code in the form of the draft laid before Parliament, and
- (b) the code is to come into force on such date as the Secretary of State may by order appoint,

and the Commission must arrange for it to be published in such manner as they think appropriate.

(8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.

(9) In this paragraph, “the 40-day period”, in relation to a draft code, means—

- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
- (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Police and Crime Commissioner Elections Order 2012 No. 1917*

(10) For the purposes of calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(11) In this paragraph references to a draft code include a revised draft code.  
Power to amend Parts 1 and 2

**16.—(1)** The Secretary of State may by order made by statutory instrument make such amendments of Part 1 or 2 of this Schedule as the Secretary of State considers appropriate.

(2) Any order under sub-paragraph (1) may not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

(3) The Secretary of State may make an order under sub-paragraph (1) either—

- (a) where the order gives effect to a recommendation of the Commission, or
- (b) after consultation with the Commission.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946<sup>(1)</sup> (definition of “Statutory Instrument”), the power to make an order which is conferred by sub-paragraph (1) is to be taken to be conferred by an Act of Parliament.

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<sup>(1)</sup> 1946 9&10 Geo.6 (c.36).