

Draft Order laid before Parliament under section 154(2)(b) of the Police Reform and Social Responsibility Act 2011 and paragraph 16(2) of Schedule 7 to the Police and Crime Commissioner Elections Order 2012, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No.

POLICE, ENGLAND AND WALES

**The Police and Crime Commissioner
Elections (Amendment) Order 2020**

Made - - - - *******

Coming into force in accordance with article 1(2)

The Minister for the Cabinet Office, in whom the powers conferred by paragraph 16(1) of Schedule 7 to the Police and Crime Commissioner Elections Order 2012⁽¹⁾ (“the 2012 Order”) and by sections 58(1) and 154(5) of the Police Reform and Social Responsibility Act 2011⁽²⁾ (“the 2011 Act”) are now vested⁽³⁾, makes the following Order in exercise of those powers.

The Minister for the Cabinet Office has consulted the Electoral Commission in accordance with section 7(2)(hc) of the Political Parties, Elections and Referendums Act 2000⁽⁴⁾ and paragraph 16(3)(b) of Schedule 7 to the 2012 Order⁽⁵⁾.

In accordance with section 154(2)(b) of the 2011 Act and paragraph 16(2) of Schedule 7 to the 2012 Order, a draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Police and Crime Commissioner Elections (Amendment) Order 2020.

(2) This Order comes into force on the day after the day on which it is made.

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- (1) [S.I. 2012/1917](#). Paragraph 16(1) of Schedule 7 to the Police and Crime Commissioner Elections Order 2012 was amended by paragraph 2(3)(i) of the Schedule to [S.I. 2015/1526](#).
- (2) [2011 c.13](#) (“the 2011 Act”). Section 58(1) of the 2011 Act was amended by article 4(2)(a) of [S.I. 2014/268](#) and paragraph 24(d) of Schedule 2 to [S.I. 2016/1997](#). Section 154(5) of the 2011 Act was amended by article 4(3) of [S.I. 2014/268](#) and paragraph 24(j) of Schedule 2 to [S.I. 2016/997](#).
- (3) In article 2(1) of [S.I. 2012/1917](#), the definition of “the Minister” was inserted by paragraph 2(2) of the Schedule to [S.I. 2015/1526](#) and that definition was subsequently amended by paragraph 36 of Schedule 2 to [S.I. 2016/997](#). The powers to make these Regulations conferred by sections 58(1) and 154(5) of the 2011 Act are vested in the Minister for the Cabinet Office by paragraph 24(d) and (j) of Schedule 2 to [S.I. 2016/997](#).
- (4) [2000 c.41](#). Section 7(2)(hc) was inserted by paragraph 11 of Schedule 10 to the 2011 Act.
- (5) Paragraph 16(3) of Schedule 7 was amended by paragraph 2(3)(i) of the Schedule to [S.I. 2015/1526](#). See previous footnote (c) in relation to the definition of “the Minister”.

(3) In this Order, “the 2012 Order” means the Police and Crime Commissioner Elections Order 2012.

Amendment of the 2012 Order

2.—(1) The 2012 Order is amended as follows.

(2) In article 2(1) (interpretation), in the definition of “disability”, after ““disability””, insert “, except in paragraph 7A of Schedule 7”.

(3) In Part 2 of Schedule 7 (candidate election expenses: general exclusions), after paragraph 7, insert—

“7A.—(1) Any matter that is reasonably attributable to the candidate’s disability, to the extent that the expenses in respect of the matter are reasonably incurred.

(2) In this paragraph, “disability” has the same meaning as in section 6 of the Equality Act 2010(6).”.

(4) In Part 8 of Schedule 3 (rules for the conduct of PCC elections where poll not taken together with poll at another election)(7), in Form 7 (consent to nomination), in the third bullet point, after “commissioner”, insert “, or police, fire and crime commissioner.”.

Amendment of election forms in relation to a police area where the police and crime commissioner is also the fire and rescue authority for that area

3.—(1) This article applies where—

(a) the Secretary of State has provided by order under section 4A(1) of the Fire and Rescue Services Act 2004(8) (power to provide for police and crime commissioner to be fire and rescue authority) for the person who is for the time being the police and crime commissioner for a particular police area to be for the time being the fire and rescue authority for that area, and

(b) an election of the police and crime commissioner and fire and rescue authority for that area is held.

(2) Where this article applies, the forms listed in paragraph (3) must be used in any election with the following amendments—

(a) wherever the words “Police and Crime” appear, after “Police”, insert “, Fire”;

(b) except in the third bullet point in Form 7, wherever the words “police and crime” appear, after “police”, insert “, fire”.

(3) Those forms are—

(a) the following forms set out in Part 4 of Schedule 2 to the 2012 Order (absent voting in PCC elections)(9)—

(i) Form 2 (postal voting statement where PCC election taken alone);

(ii) Form 4 (postal voting statement where polls are combined but proceedings on issue and receipt of postal ballot papers are not combined);

(iii) Form 5 (completed statement of number of postal ballot papers issued);

(b) the following forms set out in Part 8 of Schedule 3 to the 2012 Order—

(i) Form 6 (nomination of candidates) in English;

(6) 2010 c. 15.

(7) Part 8 was amended by S.I. 2014/921, 2016/300 and 2018/272.

(8) 2004 c. 21. Section 4A was inserted by paragraph 5 of Schedule 1 to the Policing and Crime Act 2017 (c. 3).

(9) Part 4 was amended by S.I. 2014/921.

- (ii) Form 7 (consent to nomination);
- (iii) Form 8A (ballot paper: three or more candidates);
- (iv) Form 8B (ballot paper: two candidates only);
- (v) Form 11 (official poll card);
- (vi) Form 12 (official postal poll card);
- (vii) Form 13 (official proxy poll card);
- (viii) Form 14 (official postal proxy poll card);
- (ix) Form 17 (certificate as to employment on duty on the day of the poll);
- (x) Form 18 (declaration to be made by companion of a voter with disabilities).

Date

Name
Minister for the Constitution
Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Police and Crime Commissioner Elections Order 2012 (“the 2012 Order”). The 2012 Order sets out certain requirements in relation to “election expenses”, as defined in article 50 of that Order. Part 2 of Schedule 7 to the 2012 Order sets out a list of matters which are excluded from being election expenses within the meaning of article 50. Article 2(3) of this Order adds to that list of matters reasonably incurred expenditure by or on behalf of a disabled candidate that is reasonably attributable to the candidate’s disability.

Article 3 provides for the amendment of election forms specified in the 2012 Order in relation to a police area where, pursuant to an order made under section 4A of the Fire and Rescue Services Act 2004, the police and crime commissioner is also the fire and rescue authority for that area. The effect of these amendments is that, on the specified election forms, references to the police and crime commissioner are replaced by references to the police, fire and crime commissioner save for the reference in Form 7 that is referred to in article 3(2)(b). That reference is amended by article 2(4) so that the declaration by a candidate that the candidate is not nominated for election for any other police area covers all other police areas.

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