

*Draft Order laid before Parliament under section 154(2)(b) of the Police, Reform and Social Responsibility Act 2011, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2022 No. 0000**

**POLICE, ENGLAND AND WALES**

**The Police and Crime Commissioner  
Elections (Amendment) Order 2022**

*Made* - - - - *\*\*\**

*Coming into force in accordance with article 1(2)*

The Secretary of State makes this Order in exercise of the powers conferred by sections 58(1) and (3)(a) and 154(5) of the Police, Reform and Social Responsibility Act 2011<sup>(1)</sup> (“the 2011 Act”).

The Secretary of State has consulted the Electoral Commission in accordance with section 7(2)(hc) of the Political Parties, Elections and Referendums Act 2000<sup>(2)</sup>.

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

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Police and Crime Commissioner Elections (Amendment) Order 2022.

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

(3) This Order extends to England and Wales.

**Amendment of the Police and Crime Commissioner Elections Order 2012**

2.—(1) The Police and Crime Commissioner Elections Order 2012<sup>(3)</sup> is amended as follows.

(2) In article 31 (payment of candidate election expenses through election agent) in paragraph (4)

(a) omit the “or” after sub-paragraph (c);

(b) after that sub-paragraph insert—

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(1) 2011 c. 13. Sections 58(1) and 154(5) were amended by S.I. 2014/268, 2015/1376, 2016/997 and 2021/1265.

(2) 2000 c. 41. Section 7(2)(hc) was inserted by paragraph 11 of Schedule 10 to the Police Reform and Social Responsibility Act 2011.

(3) S.I. 2012/1917; relevant amending instruments are S.I. 2013/388, 591, 2015/643, 2016/211 and 2021/1265.

“(ca) any expenses incurred on account of any matter falling within article 34(1) by a person authorised as mentioned in that provision; or”.

(3) In article 51 (property, goods, services etc provided free of charge or at a discount), after paragraph (1) insert—

“(1A) For the purposes of paragraph (1)(b), property, goods, services or facilities is or are made use of on behalf of a candidate only if their use on behalf of the candidate is directed, authorised or encouraged by the candidate or the candidate’s election agent.”.

(4) In paragraph 15(6) of Part 2 of Schedule 2 (absent voting in PCC elections),

(a) omit the “or” after paragraph (c);

(b) after paragraph (d) insert—

“or,

(e) the application states that the applicant is in receipt of one of the following benefits (payable in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018(4)) because of the disability specified in the application—

(i) the higher rate of the mobility component of disability assistance for children and young people, or

(ii) the enhanced rate of the mobility component of disability assistance for working age people.”.

(5) In paragraph 15 of Part 3 of Schedule 7 (candidate election expenses: supplemental)—

(a) after sub-paragraph (1)(b), insert—

“(c) guidance relating to the application of Part 3 of this Order in relation to expenses incurred for the purposes of a candidate’s election (whether or not election expenses).”;

(b) in sub-paragraph (7)(b), after “order” insert “made by statutory instrument”;

(c) after sub-paragraph (11) insert—

“(12) For the purposes of section 1 of the Statutory Instruments Act 1946(5) (definition of “statutory instrument”), the power to make an order which is conferred by sub-paragraph (7)(b) is to be taken to be conferred by an Act of Parliament.”.

### Savings Provisions

**3.—**(1) The amendment made by article 2(2) does not have effect in relation to expenses incurred before the day on which this Order comes into force.

(2) The amendment made by article 2(3) does not have effect in relation to property, goods, services or facilities made use of on behalf of the candidate before the day on which this Order comes into force.

(3) The amendment made by article 2(4) does not have effect in relation to an application for the appointment of a proxy in respect of a particular PCC election made before the day on which this Order comes into force.

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(4) 2018 asp 9.

(5) 1946 9 & 10 Geo. 6 (c. 36)

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Levelling Up, Housing and  
Communities

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Police and Crime Commissioner Elections Order 2012 ([S.I. 2012/1917](#)) (“the 2012 Order”). Its main purpose is to make equivalent amendments to candidate expenses provisions for Police and Crime Commissioners’ (“PCC”) elections as the amendments made in respect of other elections by sections 20 to 22 of the Elections Act 2022 ([c. 37](#)). The Order also updates the list of qualifying welfare benefits in relation to certain proxy voting applications for PCC elections.

Article 2(2) makes changes to article 31 of the 2012 Order to allow authorised spending to be paid for by a person who is authorised by the candidate’s election agent to incur such expenditure rather than requiring payment to be made by the candidate’s election agent.

Article 2(3) clarifies that candidates only need to report benefits in kind as candidate election expenses which they have actually used, or which they or their election agent have directed, authorised or encouraged someone else to use on the candidate’s behalf.

Article 2(4) adds two further types of welfare benefits into the list of benefits mitigating the need for an attestation to be included with an application for the appointment of a proxy in respect of a particular PCC election.

Article 2(5) amends the scope of the code of practice under paragraph 15 of Schedule 7 to the 2012 Order about candidate election expenses at PCC elections so that the code can cover the application of the rules in relation to expenses incurred. Article 2(5) also provides that the order appointing the coming into force date of the code is to be made by statutory instrument.

Article 3 sets out the savings provisions so that certain amendments made by article 2 do not have effect in relation to certain activities undertaken before the day on which this Order comes into effect.

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.