

## SCHEDULES

### SCHEDULE 1

Section 6

#### PETITION OFFICERS

##### *Petition officer's general duty*

- 1 It is the petition officer's general duty to do anything necessary for effectually conducting a recall petition in accordance with this Act and regulations made under it.

##### *Performance of petition officer's functions: delegation, assistance etc*

- 2 (1) Sub-paragraphs (2) and (3) apply in relation to a petition officer for a constituency in England, Wales or Scotland.
- (2) The petition officer may appoint one or more deputies to perform any or all of the officer's functions under or by virtue of this Act.
- (3) Each local authority whose area falls wholly or partly within the constituency must place the services of its officers at the disposal of the petition officer for the purpose of assisting the petition officer in the performance of the officer's functions under or by virtue of this Act.
- (4) "Local authority" means—
- (a) a district council,
  - (b) a county council in England for a county in which there are no district councils,
  - (c) a London borough council,
  - (d) the Common Council of the City of London,
  - (e) the Council of the Isles of Scilly,
  - (f) a county council or county borough council in Wales, or
  - (g) a council constituted under section 2 of the [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#).
- (5) Sections 14(5) and 14A(2) and (3) of the Electoral Law Act (Northern Ireland) 1962 ([c. 14 \(N.I.\)](#)) (appointment of temporary deputy, delegation to assistants and involvement of officers of local authorities) have effect in relation to the Chief Electoral Officer for Northern Ireland in his or her capacity as a petition officer in relation to a recall petition.

##### *Expenditure*

- 3 (1) A petition officer may recover from the Minister charges in respect of services rendered, or expenses incurred, by the officer for or in connection with the performance of the officer's functions under or by virtue of this Act if—

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- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective performance of those functions, and
  - (b) the total of the officer's charges does not exceed the amount ("the overall maximum recoverable amount") specified in, or determined in accordance with, regulations made by the Minister, with the consent of the Treasury, for the purposes of this sub-paragraph.
- (2) Regulations under sub-paragraph (1) may specify, or make provision for determining in accordance with the regulations, a maximum recoverable amount for services or expenses of any specified description.
- (3) The petition officer may not recover more than the specified maximum recoverable amount in respect of any specified services or expenses.
- (4) But in a particular case the Minister may, if satisfied that the conditions in sub-paragraph (5) are met, and with the consent of the Treasury, authorise the payment of—
- (a) more than the overall maximum recoverable amount, or
  - (b) more than the specified maximum recoverable amount for any specified services or expenses.
- (5) Those conditions are—
- (a) that it was reasonable for the petition officer to render the services or incur the expenses, and
  - (b) that the charges in question are reasonable.
- (6) The amount of any charges recoverable in accordance with this paragraph is to be paid by the Minister on an account being submitted to the Minister.
- (7) But the Minister may, before payment, apply for the account to be taxed under paragraph 4.
- (8) On the request of a petition officer for an advance on account of the officer's charges, the Minister may make an advance on such terms as the Minister thinks fit.
- (9) The Minister may by regulations make provision as to—
- (a) the time when accounts are to be rendered to the Minister for the purposes of the payment of a petition officer's charges, and
  - (b) the manner and form in which such accounts are to be so rendered.
- (10) Any sums required by the Minister for making payments under this paragraph are to be charged on, and paid out of, the Consolidated Fund.
- (11) In sub-paragraphs (2) to (4), "specified" means specified in, or determined in accordance with, regulations under sub-paragraph (1).

#### *Taxation of petition officer's account*

- 4 (1) An application under paragraph 3(7) for a petition officer's account to be taxed ("a taxation application") is made—
- (a) in the case of a petition officer for a constituency in England or Wales, to the county court,
  - (b) in the case of a petition officer for a constituency in Scotland, to the Auditor of the Court of Session ("the Auditor"), and

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- (c) in the case of a petition officer for a constituency in Northern Ireland, to the county court that has jurisdiction where the headquarters of the Chief Electoral Officer for Northern Ireland are situated.
- (2) On a taxation application the court or Auditor has jurisdiction—
- (a) to tax the account in such manner, and at such time and place, as the court or Auditor thinks fit, and
  - (b) finally to determine the amount payable to the petition officer.
- (3) On a taxation application the petition officer may apply to the court or Auditor to examine any claim made by any person (“the claimant”) against the officer in respect of matters charged in the account.
- (4) Where such an application is made in respect of a claim—
- (a) notice of the application must be given to the claimant;
  - (b) the court or Auditor must give the claimant an opportunity to be heard and to tender any evidence;
  - (c) the court or Auditor may allow, disallow or reduce the claim, with or without costs;
  - (d) the determination of the court or Auditor is final for all purposes and as against all persons.