

1999 No. 942

**CONSTITUTIONAL LAW
DEVOLUTION, WALES
REPRESENTATION OF THE PEOPLE**

**The National Assembly for Wales (Returning Officers'
Charges) Order 1999**

Made - - - - - 25th March 1999

Coming into force 8th April 1999

The Secretary of State for Wales, in exercise of the powers conferred upon him by article 20(1), (2) and (11) of the National Assembly for Wales (Representation of the People) Order 1999^(a) and with the consent of the Treasury, hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the National Assembly for Wales (Returning Officers' Charges) Order 1999 and shall come into force on 8th April 1999.

Interpretation

2. In this Order, except where the context otherwise requires—

“Assembly constituency” and “Assembly electoral region” are to be construed in accordance with section 2(2) of, and Schedule 1 to, the Government of Wales Act 1998^(b),

“Assembly election” means a constituency election or a regional election,

“constituency election” means an election to return an Assembly member for an Assembly constituency,

“constituency returning officer” means the person who is the returning officer for a constituency election,

“ordinary election” means the holding of constituency and regional elections for the return of all Assembly members,

“regional election” means an election to return Assembly members for an Assembly electoral region,

“regional returning officer” means the person who is the returning officer for a regional election,

“the Assembly” means the National Assembly for Wales,

“the 1999 Order” means the National Assembly for Wales (Representation of the People) Order 1999, and

any reference to a register of electors is a reference to the register (or registers) of electors used at an Assembly election and to the register (or registers) as first published.

^(a) S.I. 1999/450.

^(b) 1998 c. 38.

Specification for the purposes of article 20 of the 1999 Order

3.—(1) Subject to paragraph (2), for the purposes of article 20(1)(a) of the 1999 Order, the following services or expenses are hereby specified for, or in connection with, an Assembly election—

- (a) services of a kind described in paragraphs 1(1), 2(1) and 3(1) of the Schedule,
- (b) expenses of a kind described in paragraphs 4(1), 5(1), 6(1), 7(1) and 8(1) of the Schedule, and
- (c) expenses of a kind described in paragraphs 10 to 18 of the Schedule.

(2) But where in relation to an Assembly constituency there is an uncontested regional election (whether or not at an ordinary election) the specification under paragraph (1) shall not have effect in relation to—

- (a) services of a kind described in paragraphs 1(1) and 2(1) of the Schedule, and
- (b) expenses of a kind described in paragraphs 4(1), 5(1), 6(1) and 7(1) of the Schedule,

in relation to that Assembly constituency at the regional election.

(3) Paragraphs (4) to (6) of this article specify maximum recoverable amounts for the purposes of article 20(2) of the 1999 Order in respect of the specified services and expenses in Parts I and II of the Schedule.

(4) Subject to paragraph (5), at a contested Assembly election the maximum recoverable amounts set out in the Schedule in relation to the specified services and expenses in Parts I and II of the Schedule are hereby specified as the maximum recoverable amounts in relation to those services and expenses.

(5) But where at an ordinary election in relation to an Assembly constituency there are polls at a constituency election and at a regional election any maximum recoverable amount specified by this Order shall have effect in relation to both elections in relation to that Assembly constituency where (apart from this paragraph) it would otherwise have effect in relation to each such election.

(6) At an uncontested Assembly election the maximum recoverable amounts are hereby specified as—

- (a) £387.30 for a constituency returning officer at a constituency election in respect of the specified services in Part I of the Schedule,
- (b) £77.46 for a regional returning officer at a regional election in respect of the specified services in Part I of the Schedule,
- (c) £958.69 for a constituency returning officer at a constituency election in respect of the specified expenses in Part II of the Schedule, and
- (d) £191.76 for a regional returning officer at a regional election in respect of the specified expenses in Part II of the Schedule.

Signed by authority of the Secretary of State for Wales

22nd March 1999

Peter Hain
Parliamentary Under Secretary of State,
Welsh Office

We consent to this Order

25th March 1999

Jim Dowd
Bob Ainsworth
Two of the Lords Commissioners of
Her Majesty's Treasury

SERVICES AND EXPENSES IN RESPECT OF WHICH A CONSTITUENCY OR A
REGIONAL RETURNING OFFICER AT AN ASSEMBLY ELECTION MAY
RECOVER HIS CHARGES

PART I

SERVICES OF A CONSTITUENCY OR A REGIONAL RETURNING OFFICER FOR
WHICH MAXIMUM RECOVERABLE AMOUNTS ARE SPECIFIED

Services of constituency returning officer other than issue and receipt of postal ballot papers

1.—(1) This paragraph makes provision for a constituency returning officer's services in conducting an Assembly election and discharging his duties (except those specified services in paragraph 2(1)) in connection therewith.

(2) Subject to sub-paragraphs (3) to (6), the maximum recoverable amount at an Assembly election for the specified services in sub-paragraph (1) is £1,605.76.

(3) The amount mentioned in sub-paragraph (2) is increased by £6.23 for every 1,000 entries, or fraction thereof, in excess of 60,000—

(a) in the case of a constituency election, in the register of electors, or

(b) in the case of a regional election, in that part of the register of electors used in the Assembly constituency at the election.

(4) At an ordinary election the amount mentioned in sub-paragraph (2) is increased by £836.61 where in relation to an Assembly constituency there are polls at a constituency election and at a regional election.

(5) The amount mentioned in sub-paragraph (2) is increased by £278.87 where the poll at an Assembly election is combined with the poll at a local government election under article 14(1) or (2) of the 1999 Order.

(6) Where at an ordinary election a person is returning officer at more than three constituency elections the amount mentioned in sub-paragraph (2) is reduced—

(a) by £253.23 for each such election exceeding three but not exceeding six, and

(b) by £374.83 for each such election exceeding six.

Services of constituency returning officer in connection with issue and receipt of postal ballot papers

2.—(1) This paragraph makes provision for a constituency returning officer's services at an Assembly election in connection with the issue and receipt of the ballot papers for persons entitled to vote by post.

(2) Subject to sub-paragraphs (3) and (4), the maximum recoverable amount at an Assembly election for the specified services in sub-paragraph (1) is £78.66.

(3) The amount mentioned in sub-paragraph (2) is increased by £0.56 for every 50 persons, or fraction thereof, in excess of 1,500 who are entitled to vote by post at the election.

(4) At an ordinary election the amount mentioned in sub-paragraph (2) is increased by £78.66 where in relation to an Assembly constituency there are polls at a constituency election and at a regional election.

Services of regional returning officer

3.—(1) This paragraph makes provision for a regional returning officer's services in conducting a regional election and discharging his duties in connection therewith.

(2) The maximum recoverable amount at a regional election for the specified services in sub-paragraph (1) is £500.

PART II

EXPENSES OF A CONSTITUENCY OR A REGIONAL RETURNING OFFICER FOR WHICH MAXIMUM RECOVERABLE AMOUNTS ARE SPECIFIED

Payment of presiding officers at polling stations

4.—(1) This paragraph makes provision for a constituency returning officer's expenses at an Assembly election in respect of the payment of presiding officers at polling stations.

(2) Subject to sub-paragraphs (3) to (6), the maximum recoverable amount at an Assembly election for the specified expenses in sub-paragraph (1) (including expenses incurred in respect of a person who takes over the duties of a presiding officer on polling day due to the incapacity of the previously appointed presiding officer) in respect of the presiding officer at each polling station is £116.30.

(3) At an ordinary election the amount mentioned in sub-paragraph (2) is increased by £29.08 where in relation to an Assembly constituency there are polls at a constituency election and at a regional election.

(4) Where at a polling place there is more than one polling station the amount mentioned in sub-paragraph (2) is increased by £7.08 in respect of one only of the presiding officers at the polling stations at such polling place.

(5) In respect of a presiding officer to whom sub-paragraph (4) applies the amount mentioned in sub-paragraph (2) is increased by £7.08 where sub-paragraph (3) also applies.

(6) The amount mentioned in sub-paragraph (2) is increased by £29.08 where the poll at an Assembly election is combined with the poll at a local government election under article 14(1) or (2) of the 1999 Order.

Payment of poll clerks at polling stations

5.—(1) This paragraph makes provision for a constituency returning officer's expenses at an Assembly election in respect of the payment of poll clerks at polling stations.

(2) Subject to sub-paragraphs (3) and (4), the maximum recoverable amount at an Assembly election for the specified expenses in sub-paragraph (1) in respect of each poll clerk is £73.54.

(3) At an ordinary election the amount mentioned in sub-paragraph (2) is increased by £18.39 where in relation to an Assembly constituency there are polls at a constituency election and at a regional election.

(4) The amount mentioned in sub-paragraph (2) is increased by £18.39 where the poll at an Assembly election is combined with a poll at a local government election under article 14(1) or (2) of the 1999 Order.

Payment of persons in connection with the preparation, revision and issue of official poll cards

6.—(1) This paragraph makes provision for a constituency returning officer's expenses at an Assembly election in respect of the payment of persons employed in connection with the preparation, revision and issue of the official poll cards.

(2) The maximum recoverable amount for the specified expenses in sub-paragraph (1) is £1.47 for every 100 such cards or fraction thereof.

Payment to persons in connection with the issue and receipt of postal ballot papers etc.

7.—(1) This paragraph makes provision for a constituency returning officer's expenses at an Assembly election in respect of the payment of persons employed in connection with the issue and receipt of postal ballot papers and the count and any other clerical or other assistance for the purposes of the election.

(2) Subject to sub-paragraphs (3) to (8), the maximum recoverable amount at an Assembly election for the specified expenses in sub-paragraph (1) is £4,242.80.

(3) The amount mentioned in sub-paragraph (2) is increased by £46.03 for every 1,000 entries, or fraction thereof, in excess of 60,000–

- (a) in the case of a constituency election, in the register of electors, or
- (b) in the case of a regional election, in that part of the register of electors used in the Assembly constituency at the election.

(4) At an ordinary election the amount mentioned in sub-paragraph (2) is increased by £4,242.80 where in relation to an Assembly constituency there are polls at a constituency election and at a regional election.

(5) The amount mentioned in sub-paragraph (2) is increased for every 100 voters, or fraction thereof, entitled to vote by post by £41.78 in relation to a constituency election or to a regional election other than an election to which sub-paragraph (6) applies.

(6) At an ordinary election the amount mentioned in sub-paragraph (2) is increased for every 75 voters, or fraction thereof, entitled to vote by post by £41.78 where in relation to an Assembly constituency there are polls at a constituency election and at a regional election.

(7) The amount mentioned in sub-paragraph (2) is increased by £368.54 for each re-count of votes under paragraph 51 or 52 of Schedule 5 to the 1999 Order.

(8) The amount mentioned in sub-paragraph (2) is increased by £1,104.05 where the poll at a constituency election is combined with the poll at a local government election under article 14(1) or (2) of the 1999 Order.

Payment to persons in connection with clerical or other assistance for the purposes of a regional election

8.—(1) This paragraph makes provision for a regional returning officer's expenses at a regional election in respect of the payment of persons employed in connection with clerical or other assistance for the purposes of the election.

(2) The maximum recoverable amount at a regional election for the specified expenses in sub-paragraph (1) is £400.00.

PART III

EXPENSES OF A CONSTITUENCY OR A REGIONAL RETURNING OFFICER FOR WHICH NO MAXIMUM RECOVERABLE AMOUNTS ARE SPECIFIED

General

9. The expenses of a constituency or a regional returning officer referred to in paragraphs 10 to 18 are expenses for which no maximum recoverable amounts are specified.

Travelling and overnight subsistence expenses

10. Travelling and overnight subsistence expenses at an Assembly election–

- (a) of a constituency or a regional returning officer,
- (b) of any person where his services have been placed at the disposal of a constituency or a regional returning officer under article 17 of the 1999 Order,
- (c) of any presiding officer or poll clerk, and
- (d) of any clerical or other assistant employed by the returning officer.

Printing etc. of the ballot papers

11. Expenses of a constituency returning officer at an Assembly election in printing or otherwise producing the ballot papers.

Printing etc. of the poll cards and their delivery

12. Expenses of a constituency returning officer at an Assembly election in printing or otherwise producing the official poll cards and in delivering them to the voters (excluding the expenses referred to in paragraph 6(1)).

Expenses of printing etc. documents

13. Expenses of a constituency or a regional returning officer at an Assembly election in printing or otherwise producing and, where appropriate, publishing other documents required to be so printed, produced or published by or under the 1999 Order.

Expenses in renting etc. any building or room

14. Expenses of a constituency returning officer at an Assembly election in renting, heating, lighting and cleaning any building or room.

Expenses of adapting any building or room etc.

15. Expenses of a constituency returning officer at an Assembly election in adapting any building or room and in restoring it to a fit condition for its normal use.

Expenses of conveying of ballot boxes etc. to and from polling station

16. Expenses of a constituency returning officer at an Assembly election in the conveyance to and from the polling station—

- (a) of the ballot boxes and ballot papers, and
- (b) of the voting compartments, any other furniture necessary for polling stations and instruments to stamp the official mark on the ballot papers.

Expenses of provision of stationery etc.

17. Expenses of a constituency or a regional returning officer at an Assembly election in the provision of stationery and writing implements and in postage, telephone and bank charges and other miscellaneous items.

Expenses in connection with provision of security measures

18. Expenses of a constituency returning officer at an Assembly election in connection with the provision of security measures.

EXPLANATORY NOTE

(This note is not part of the Order)

Under article 20(1) of the National Assembly for Wales (Representation of the People) Order 1999 (S.I. 1999/450) the entitlement of a returning officer at an election to the National Assembly for Wales to recover his charges in respect of his services or expenses for, or in connection, with such an election depend upon—

- (a) the services or expenses being of a kind specified in an Order under that provision,
- (b) the services being properly rendered and the expenses being properly incurred, and
- (c) the charges in respect of them being reasonable.

This Order (which is made under article 20 of the Order of 1999) specifies such services and expenses.

Part I of the Schedule to this Order describe the kinds of services rendered by a returning officer for, or in connection with, an election to the National Assembly for Wales in respect of which he is entitled to recover his charges and sets out the maximum recoverable amounts in respect of those services.

Parts II and III of the Schedule describe the kinds of expenses incurred by a returning officer for, or in connection, with an election to the National Assembly for Wales in respect of which he is entitled to recover his charges and sets out (in the case of Part II) the maximum recoverable amounts in respect of those expenses.

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