

2004 No. 1299

REPRESENTATION OF THE PEOPLE

The European Parliamentary Elections (Local Returning Officers' Charges) (Great Britain and Gibraltar) Order 2004

Made - - - -

6th May 2004

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

The Secretary of State, in exercise of the powers conferred upon him by regulation 15(1) of the European Parliamentary Elections Regulations 2004(a), hereby makes the following Order with the consent of the Treasury:

Citation, commencement and extent

1.—(1) This Order may be cited as the European Parliamentary Elections (Local Returning Officers' Charges) (Great Britain and Gibraltar) Order 2004 and shall come into force on the day after the day on which it is made.

(2) This Order extends to England, Wales, Scotland and Gibraltar.

Interpretation

2. In this Order—

“election” means a European Parliamentary election;

“local counting area” has the meaning given in regulation 2(1) of the 2004 Regulations (including, in the case of the European Parliamentary general election in 2004, as modified for England and Wales by regulation 7(4) of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(b));

“register of electors” has the meaning given in regulation 2(1) of the 2004 Regulations; and

“the 2004 Regulations” means the European Parliamentary Elections Regulations 2004.

Revocation

3. The European Parliamentary Elections (Local Returning Officers' Charges) Order 1999(c) is hereby revoked.

Services and expenses in respect of which a local returning officer at a European Parliamentary election in Great Britain and in Gibraltar may recover his charges

4.—(1) For the purposes of sub-paragraph (a) of regulation 15(1) of the 2004 Regulations (which provides that a local returning officer is entitled to recover his charges in respect of

(a) S.I. 2004/293; regulation 15(1) corresponds to section 29(3) of the Representation of the People Act 1983 (c.2).

(b) S.I. 2004/294.

(c) S.I. 1999/1377.

services properly rendered or expenses properly incurred for or in connection with a European Parliamentary election if the services or expenses are of a kind specified in an order made under that provision and the charges are reasonable)—

(a) services of the kind described in paragraphs 1(1) and 2(1) of Part A of the Schedule to this Order; and

(b) expenses of a kind described in paragraphs 1(1), 2(1) and 3(1) of Part B of the Schedule to this Order and expenses of a kind described in Part C of the Schedule to this Order,

are hereby specified.

(2) The maximum recoverable amounts at an uncontested election are hereby specified as—

(a) £439.67 in respect of the services specified in Part A of the Schedule; and

(b) £1088.30 in respect of the expenses specified in Part B of the Schedule.

Signed on behalf of the Secretary of State for Constitutional Affairs

Date 3 May 2004

Christopher Leslie
Parliamentary Under Secretary of State
Department for Constitutional Affairs

We consent to this Order.

Two of the Lords Commissioners of Her Majesty's Treasury
Date 6 May 2004

Joan Ryan
John Heppell

SCHEDULE

Article 4

SERVICES AND EXPENSES IN RESPECT OF WHICH A LOCAL RETURNING OFFICER AT A EUROPEAN PARLIAMENTARY ELECTION IN GREAT BRITAIN AND IN GIBRALTAR MAY RECOVER HIS CHARGES

PART A

Maximum recoverable amounts for services of local returning officer

1.—(1) This paragraph makes provision for a local returning officer's services in conducting the election in any local counting area for which he is responsible and discharging his duties (except those specified in paragraph 2(1) of this Part) in connection therewith.

(2) Subject to sub-paragraphs (3) and (4), the maximum recoverable amount for each such local counting area for the services specified in sub-paragraph (1) is the aggregate of—

- (a) £1083 for every 30,000 entries, or fraction thereof, in the register of electors for the local counting area equal to or less than 180,000;
- (b) 87.5% of £1083 for every 30,000 entries, or fraction thereof, in the register of electors for the local counting area greater than 180,000 but equal to or less than 360,000; and
- (c) 75% of £1083 for every 30,000 entries in the register of electors for the local counting area greater than 360,000.

(3) In Scotland, where at a general election of MEPs a local returning officer is responsible for more than 3 local counting areas the maximum recoverable amount is reduced—

- (a) for each local counting area exceeding 3 but not exceeding 6, by 12.5%; and
- (b) for each local counting area exceeding 6, by 25%.

(4) Where the poll at the election in any local counting area for which the local returning officer is responsible is taken together with the poll at another election or referendum, the maximum recoverable amount determined under sub-paragraph (2) or sub-paragraphs (2) and (3) (as the case may be) shall be increased by 15%.

2.—(1) This paragraph makes provision for a local returning officer's services in providing training for the election.

(2) The maximum recoverable amount for the services specified in sub-paragraph (1) is £150 for each training session provided by the local returning officer to presiding officers and poll clerks.

PART B

Expenses of local returning officers for which maximum recoverable amounts are specified

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

(2) Subject to sub-paragraphs (3) to (8), the maximum recoverable amount for the expenses specified 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 £170.

(3) Where a polling station is in a local counting area which is wholly contained in a London borough, the maximum recoverable amount is increased by £95.

(4) Where a polling station is in a local counting area which is adjacent to a London borough, the maximum recoverable amount is increased by £30.

(5) Where at a polling place there is more than one polling station, the maximum recoverable amount in respect of one only of the presiding officers at the polling station at such a polling place is increased by £8.

(6) Where a presiding officer receives training (including a presiding officer who owing to incapacity or any other reason does not discharge the duties of presiding officer on polling day), the maximum recoverable amount is increased by £40.

(7) Where in a local counting area which is wholly contained in a London borough the poll at the election is taken together with the poll at another election or referendum at the polling station, the maximum recoverable amount is increased by £55.

(8) Where in a local counting area which is not wholly contained in a London borough the poll at the election is taken together with the poll at another election or referendum at the polling station, the maximum recoverable amount is increased by £40.

2.—(1) This paragraph makes provision for a local returning officer's expenses in respect of the payment of poll clerks at polling stations.

(2) Subject to sub-paragraphs (3) and (6), the maximum recoverable amount for the expenses specified in sub-paragraph (1) in respect of each poll clerk is £100.

(3) Where a polling station is in a local counting area which is wholly contained in a London borough, the maximum recoverable amount is increased by £85.

(4) Where a polling station is in a local counting area which is adjacent to a London borough, the maximum recoverable amount is increased by £40.

(5) Where a poll clerk receives training (including a poll clerk who owing to incapacity or any other reason does not discharge the duties of poll clerk on polling day), the maximum recoverable amount is increased by £20.

(6) Where the poll at the election is taken together with the poll at another election or referendum at the polling station, the maximum recoverable amount is increased by £25.

3.—(1) This paragraph makes provision for a local returning officer's expenses in respect of the payment of persons employed in connection with—

- (a) the preparation, revision and issue of the official poll cards;
- (b) the issue and receipt of postal ballot papers;
- (c) the verification of the ballot paper accounts;
- (d) the count; and
- (e) any other clerical or other assistance for the purposes of the election.

(2) The maximum recoverable amount for the expenses specified in sub-paragraph (1), subject to sub-paragraphs (3) and (4), is—

- (a) £5,000 where the number of entries in the register of electors for the local counting area is 30,000 or less;
- (b) £10,000 where the number of entries in the register of electors for the local counting area is greater than 30,00 but equal to or less than 60,000;
- (c) £12,900 where the number of entries in the register of electors for the local counting area is greater than 60,000 but equal to or less than 90,000; and
- (d) £4,300 for every 30,000 entries, or fraction thereof, in the register of electors for the local counting area where the number of entries is greater than 90,000.

(3) The maximum recoverable amount is increased for each recount of the votes ordered by the local returning officer by £500.

(4) Where the poll at the election in any local counting area for which the local returning officer is responsible is taken together with the poll at another election or referendum, the maximum recoverable amount determined under sub-paragraph (2) shall be increased by 15%.

PART C:

Expenses of local returning officer for which no maximum recoverable amounts are specified

- 1.** Travelling and overnight subsistence expenses of—
 - (a) the local returning officer;
 - (b) any person placed at the local returning officer's disposal under section 6(7) of the European Parliamentary Elections Act 2002(a);
 - (c) any presiding officer or poll clerk; and
 - (d) any clerical or other assistants employed by the local returning officer.
- 2.** Expenses in printing or otherwise producing the ballot papers.
- 3.** Expenses in printing or otherwise producing the official poll cards and in delivering them to the voters, excluding the expenses referred to in paragraph 3(1) of Part B of this Schedule.
- 4.** Expenses in printing or otherwise producing and, where appropriate, publishing notices and other documents required by the 2004 Regulations.
- 5.** Expenses in renting, heating, lighting and cleaning any building or room.
- 6.** Expenses in adapting any building or room and in restoring it to a fit condition for its normal use.
- 7.** Expenses in the provision of voting compartments and any other furniture necessary for polling stations.
- 8.** Expenses in the provision of ballot boxes and instruments to stamp on the ballot papers the official mark.
- 9.** Expenses in the conveyance—
 - (a) to and from the polling stations, to and from the verification centre and to and from the count centre of the ballot boxes and ballot papers, and
 - (b) to and from the polling stations of the voting compartments, any other furniture necessary for polling stations and the instruments to stamp on the ballot papers the official mark.
- 10.** Expenses in the provision of stationery and writing implements and in postage, telephone and bank charges and other miscellaneous items.
- 11.** Expenses in connection with the provision of security measures, including secure storage of ballot boxes between polling day and the count.

(a) 2002 c.24; section 6(7) was amended by section 20(4) of the European Parliament (Representation) Act 2003 (c.7).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in Great Britain and in Gibraltar, provides for the expenses of local returning officers at European Parliamentary elections. Local returning officers are defined by section 6(5A) of the European Parliamentary Elections Act 2002 and discharge functions in each local counting area in accordance with regulation 6 of the European Parliamentary Elections Regulations 2004 (the 2004 Regulations).

Under regulation 15(1) of the 2004 Regulations the entitlement of a local returning officer at a European Parliamentary election to recover his charges in respect of his services or expenses for or in connection with such an election depends 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.

Part A of the Schedule to this Order specifies the kinds of services rendered by a local returning officer for or in connection with a European Parliamentary election in respect of which he is entitled to recover his charges, together with the maximum recoverable amounts in respect of those services. Parts B and C of the Schedule specify the kinds of expenses incurred by a local returning officer for or in connection with a European Parliamentary election in respect of which he is entitled to recover his charges, together (in the case of Part B) with the maximum recoverable amounts in respect of those charges.

Parts A and B of the Schedule to this Order increase the maximum recoverable amounts from those that were specified in the European Parliamentary Elections (Local Returning Officers' Charges) Order 1999 (S.I. 1999/1377). That Order is revoked by this Order.

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