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STATUTORY INSTRUMENTS

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**2005 No. 780**

**REPRESENTATION OF THE PEOPLE**

**The Parliamentary Elections (Returning Officers' Charges) Order 2005**

*Made* - - - - *16th March 2005*  
*Coming into force* - - *23rd March 2005*

In exercise of the powers conferred upon him by section 29(3) and (4) of the Representation of the People Act 1983(1), the Secretary of State hereby makes the following Order with the consent of the Treasury:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Parliamentary Elections (Returning Officers' Charges) Order 2005 and shall come into force on 23rd March 2005.

(2) This Order shall not extend to Northern Ireland.

**Services and expenses in respect of which a returning officer at a parliamentary election may recover his charges**

2.—(1) For the purposes of paragraph (a) of section 29(3) of the Representation of the People Act 1983 (which provides that a returning officer is entitled to recover his charges in respect of services properly rendered or expenses properly incurred for or in connection with a 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 a kind described in paragraphs 1(1) and 2(1) of Part A of the Schedule to this Order;
- (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

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(1) 1983 c. 2; section 29 has been amended by section 1 of the Representation of the People Act 1991 (c. 11) and by the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I. 1991/1728). The functions formerly conferred on the Treasury have been transferred to the Secretary of State by that Order. The powers in section 29(3) are extended by section 29(4) to (4C), as so amended. The powers in section 29(3) have also been extended by regulation 99(3) of the Representation of the People Regulations 1986 (S.I. 1986/1081) and regulation 97(3) of the Representation of the People (Scotland) Regulations 1986 (S.I. 1986/1111), as amended by the Representation of the People Act 1991 and S.I. 1991/1728. Section 29(3) has also been applied, with modifications, to Scottish parliamentary elections by the Scottish Parliament (Elections etc) Order 2002, S.I. 2002/2779. Section 29(3) has been substituted by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41), but that amendment is not yet in force.

(c) expenses of a kind described in Part C of the Schedule to this Order, are hereby specified.

(2) The maximum recoverable amounts at a contested election in respect of the services specified in Part A of the Schedule or the expenses specified in Part B of the Schedule are those specified in the Schedule in respect of each entry.

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

- (a) £454.88 in respect of the services specified in Part A of the Schedule, and
- (b) £1,123.48 in respect of the expenses specified in Part B of the Schedule.

(4) In the Schedule to this Order—

- (a) “election” means a parliamentary election,
- (b) “combined polls” refers to the poll at a parliamentary election and the poll at some other election when they are taken together under section 15(1) or (2) of the Representation of the People Act 1985<sup>(2)</sup>, and
- (c) any reference to the register of electors is to the register of electors used at the election at which the services were rendered or expenses incurred and to that register as it has effect on the last day for publication of notice of the election.

### **Revocation**

3. The Parliamentary Elections (Returning Officers' Charges) Order 2001<sup>(3)</sup> is hereby revoked.

3rd March 2005

*Christopher Leslie*  
Parliamentary Under Secretary of State  
Department for Constitutional Affairs

We consent to the Order

16th March 2005

*Jim Murphy*  
*Nick Ainger*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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(2) 1985 c. 50.  
(3) S.I. 2001/1736.

## SCHEDULE

Article 2

### SERVICES AND EXPENSES IN RESPECT OF WHICH A RETURNING OFFICER AT A PARLIAMENTARY ELECTION IN GREAT BRITAIN MAY RECOVER HIS CHARGES AND MAXIMUM RECOVERABLE AMOUNTS FOR CONTESTED ELECTIONS

#### PART A

##### MAXIMUM RECOVERABLE AMOUNTS OF SERVICES OF A RETURNING OFFICER

1.—(1) This paragraph makes provision for a returning officer's services in conducting the election and discharging his duties in connection therewith and in connection with the issue and receipt of the ballot papers for persons entitled to vote by post.

(2) Subject to sub-paragraphs (2) to (4), the maximum recoverable amount for each constituency for the services specified in sub-paragraph (1) above is £2,500.00.

(3) For each constituency where there are combined polls for the conduct of which the returning officer is responsible, the maximum recoverable amount is increased by £335.00.

(4) Where, at a general election, a returning officer is responsible for more than three constituencies, the maximum recoverable amount is reduced by—

- (a) for each constituency exceeding three but not exceeding six, by £280.00;
- (b) for each constituency exceeding six, by £500.00.

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

(2) the maximum recoverable amount for the services specified in sub-paragraph (1) is £150.00 for each training session provided by the returning officer to presiding officers and poll clerks.

#### PART B

##### EXPENSES OF RETURNING OFFICER FOR WHICH MAXIMUM RECOVERABLE AMOUNTS ARE SPECIFIED

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

(2) Subject to sub-paragraphs (3) to (7) the maximum recoverable amount for the expenses specified in sub-paragraph (1) in respect of the presiding officer at each polling station is £175.00.

(3) Where a polling station is in a constituency which is wholly contained in a London borough, the maximum recoverable amount is increased by £95.00.

(4) Where a polling station is in a constituency adjacent to a London borough, the maximum recoverable amount is increased by £30.00.

(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 stations at such a polling place is increased by £8.50.

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(6) Where there are combined polls at a polling station, the maximum recoverable amount is increased by £40.00.

(7) 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 £40.00.

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

(2) Subject to sub-paragraphs (3) to (6) below the maximum recoverable amount for the expenses specified in sub-paragraph (1) in respect of each poll clerk is £105.00.

(3) Where a polling station is in a constituency which is wholly contained in a London borough, the maximum recoverable amount is increased by £85.00.

(4) Where a polling station is in a constituency adjacent to a London borough, the maximum recoverable amount is increased by £40.00.

(5) Where there are combined polls at a polling station, the maximum recoverable amount is increased by £25.00.

(6) 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 £40.00.

**3.—**(1) This paragraph makes provision for a 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 count;
- (c) any other clerical or other assistance for the purposes of the election; and
- (d) the preparation, issue and receipt of postal ballot papers.

(2) Subject to sub-paragraphs (4) and (5), the maximum recoverable amount for the expenses specified in sub-paragraph (1)(a) to (c), is £8,000.00.

(3) Subject to sub-paragraph (5), the maximum recoverable amount for the expenses specified in sub-paragraph (1)(d) is £60 for every 100, or fraction thereof, postal ballot papers issued.

(4) For each recount of the votes ordered by the returning officer, the maximum recoverable amount is increased by £500.00.

(5) Where there are combined polls for the conduct of which the returning officer is responsible, the maximum recoverable amount determined under sub-paragraphs (2) and (3) shall be increased by 15%.

## PART C

### EXPENSES OF RETURNING OFFICER FOR WHICH NO MAXIMUM RECOVERABLE AMOUNTS ARE SPECIFIED

**1.** Travelling and overnight subsistence expenses of—

- (a) the Returning Officer;
- (b) any person appointed under section 28(5) of the Representation of the People Act 1983 or placed at the returning officer's disposal under section 25(2) of that Act;
- (c) any presiding officer or poll clerk;

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- (d) any clerical or other assistants employed by the 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 Representation of the People Acts.
- 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 to and from the polling stations of —
  - (a) the ballot boxes and ballot papers, and
  - (b) 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 the provision to each polling station of the large version of the ballot paper and of the prescribed device for assisting voters with disabilities.
- 12. Expenses in connection with the provision of security measures.
- 13. In a constituency in Scotland, expenses in the supply of copies of the register of electors for use in the conduct of the election.

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## EXPLANATORY NOTE

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

This Order, which applies in Great Britain, revokes and replaces the Parliamentary Elections (Returning Officers' Charges) Order 2001 (“the 2001 Order”).

Under section 29(3) of the Representation of the People Act 1983, the entitlement of a returning officer at a 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.

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Part A of the Schedule to this Order specifies the kinds of services for which a returning officer is entitled to recover his charges, together with maximum recoverable amounts in respect of those services where the election is contested.

Parts B and C of the Schedule specify the kinds of expenses for which a returning officer is entitled to recover his charges, together (in the case of Part B) with the maximum recoverable amounts in respect of those charges where the election is contested.

Parts A and B of the Schedule to this Order increase the maximum recoverable amounts from those that were specified in the equivalent provision in the 2001 Order, but with some division of the categories previously specified in paragraphs 1, 2 and 3 of Part B.

The Order also makes provision for additional payments where the poll at a parliamentary election is taken together with the poll at some other election.