
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in England, Wales and Scotland, provides for payments for services and expenses of returning officers in connection with the conduct of Parliamentary elections. This Order replaces the Parliamentary Elections (Returning Officers' Charges) Order 2005 (S.I. 2005/780), which this Order revokes. This Order is made under section 29(3), (3A) and (4C) of the Representation of the People Act 1983 (c.2) ('the 1983 Act'). Under section 29(3) a returning officer may recover his charges for services and expenses provided they were necessarily rendered or incurred for the efficient and effective conduct of the election and the total does not exceed the overall maximum recoverable amount specified by the Secretary of State in an order. Section 29(3A) also enables the Secretary of State to specify by order a maximum recoverable amount for particular services or expenses.

The Order provides different amounts for when a parliamentary election is conducted on its own, or when a parliamentary general election is taken together with the ordinary day of election of councillors in some constituencies in 2010. Section 37 of the 1983 Act provides that this is the first Thursday in May or such other day as fixed by the Secretary of State by an order made by 1st February in the year preceding the year in which the order is to take effect. Schedule 1 of this Order applies in all constituencies in England, Wales and Scotland where a parliamentary general election is not taken together with the ordinary day of election of councillors in 2010, and at any other time. Schedule 2 applies in 2010 in constituencies in England where a parliamentary general election is taken together with the ordinary day of the election for councillors in all or part of that constituency, and so the polls are combined. By virtue of section 15(4) of the Representation of the People Act 1985 (c.50) where polls are combined the cost of taking the combined polls and any cost attributable to their combination shall be apportioned equally among the elections. There are no scheduled elections of councillors for local government areas in any constituencies in Wales or Scotland in 2010.

Article 3 of this Order specifies that the overall maximum recoverable amount is listed for each constituency in column 4 of the table in the either Schedule 1 or Schedule 2 (as appropriate).

Article 4 of this Order specifies that the total of the charges recoverable by a returning officer in respect of the services of the description specified in article 5 shall not exceed the amount listed for each constituency in column 2 of the table in either Schedule 1 or Schedule 2. This total is "the maximum recoverable amount for the specified services". Similarly, article 6 sets out that the total of the charges recoverable in respect of the expenses of the description specified in article 7 are listed for each constituency in column 3 of the table in either Schedule 1 or Schedule 2. This is the "the maximum recoverable amount for the specified expenses".

In the case of an uncontested election article 8 provides that articles 3 to 7 do not apply. Instead, the overall maximum recoverable amount is £1,750 for each constituency.

Schedule 1 and Schedule 2 contain the tables referred to in articles 3 to 7. The tables list in respect of each constituency the maximum recoverable amount for the specified services (column 2), the maximum recoverable amount for the specified expenses (column 3) and the overall maximum recoverable amount (column 4).

This Order provides for a total overall maximum recoverable amount which represents an increase on the funds made available under the Parliamentary Elections (Returning Officers' Charges) Order 2005.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.