

**2021 No. 155**

**REPRESENTATION OF THE PEOPLE**

**The Scottish Parliament Elections (Returning Officer Fees and Charges) Regulations 2021**

<i>Made</i>	- - - -	<i>19th March 2021</i>
<i>Laid before the Scottish Parliament</i>		<i>23rd March 2021</i>
<i>Coming into force</i>	- -	<i>6th April 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by article 18 of the Scottish Parliament (Elections etc.) Order 2015(a).

**PART 1**

**Introductory and General**

**Citation and commencement**

1. These Regulations may be cited as the Scottish Parliament Elections (Returning Officer Fees and Charges) Regulations 2021 and come into force on 6th April 2021.

**Interpretation**

2. In these Regulations—

“the 2015 Order” means the Scottish Parliament (Elections etc.) Order 2015,

“account” means the account submitted to the Scottish Ministers under article 18(5) of the 2015 Order for the purpose of payment of a returning officer’s charges,

“constituency” means a constituency provided for by schedule 1 of the Scotland Act 1998(b),

“constituency returning officer” means the officer who, in accordance with article 14 of the 2015 Order, is the constituency returning officer for a Scottish parliamentary election in a constituency,

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(c),

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(a) S.S.I. 2015/425.

(b) 1998 c.46. Schedule 1 was amended by the Scottish Parliament (Constituencies) Act 2004 (c.13), schedule 1, by the Scotland Act 2012 (c.11), schedule 1, by section 18(1)(a) of the Islands (Scotland) Act 2018 (asp 12) and by S.I. 2010/2691. The constituencies are now those specified in schedule 1 of S.S.I. 2020/375 as well as those of Na h-Eileanan an Iar, the Orkney Islands and the Shetland Islands.

(c) 1994 c.39.

“regional returning officer” means a regional returning officer for the purposes of the Scotland Act 1998(a), and

“Scottish parliamentary election” means an election for membership of the Scottish Parliament.

## PART 2

### Constituency Returning Officers

#### Maximum total recoverable amount

3.—(1) For the purposes of article 18(2)(a) of the 2015 Order, the maximum total amount that a constituency returning officer may recover is the amount specified in paragraph (2).

(2) In relation to a constituency returning officer appointed by a local authority listed in column 1 of the table in the schedule, the maximum amount is—

- (a) where the poll at a Scottish parliamentary election is contested, the amount listed opposite that local authority in column 4 of the table, or
- (b) where the election is uncontested, £3,000.

#### Maximum recoverable amount for specified services

4.—(1) For the purposes of article 18(2)(c) of the 2015 Order, the maximum amount that a constituency returning officer may recover, for the services specified in paragraph (3), is the amount specified in paragraph (2).

(2) In relation to a constituency returning officer appointed by a local authority listed in column 1 of the table in the schedule, the maximum amount is—

- (a) where the poll at a Scottish parliamentary election is contested, the amount listed opposite that local authority in column 2 of the table, or
- (b) where the election is uncontested, £900.

(3) The specified services are—

- (a) conducting the election,
- (b) discharging the constituency returning officer’s duties at the election, and
- (c) making arrangements for the election.

#### Maximum recoverable amount for specified expenses

5.—(1) For the purposes of article 18(2)(c) of the 2015 Order, the maximum amount that a constituency returning officer may recover, for the expenses specified in paragraph (3), is the amount specified in paragraph (2).

(2) In relation to a constituency returning officer appointed by a local authority listed in column 1 of the table in the schedule, the maximum amount is—

- (a) where the poll at a Scottish parliamentary election is contested, the amount listed opposite that local authority in column 3 of the table, or
- (b) where the election is uncontested, £2,100.

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(a) See S.S.I. 2016/9, article 3.

- (3) The specified expenses are—
- (a) the appointment and payment of persons to assist the constituency returning officer,
  - (b) travel and overnight subsistence for the constituency returning officer and any person appointed to assist the constituency returning officer,
  - (c) the costs of the nomination process,
  - (d) printing or otherwise producing the ballot papers,
  - (e) printing, producing or purchasing postal vote stationery,
  - (f) printing (or otherwise producing) and arranging for the delivery of poll cards,
  - (g) printing or otherwise producing and, where appropriate, publishing notices and any other documents required by any enactment for or in connection with the election,
  - (h) renting, heating, lighting, cleaning, adapting, or restoring any building or room,
  - (i) providing and transporting equipment,
  - (j) providing information and communications technology equipment and software and associated costs,
  - (k) providing security, including any necessary secure storage of ballot boxes, ballot papers and verification documents,
  - (l) conducting the verification and the count,
  - (m) providing and receiving training, and
  - (n) providing stationery and meeting postage, telephone, printing, translation and banking costs and the costs of other miscellaneous items for or in connection with the election.

## PART 3

### Regional Returning Officers

#### **Maximum total recoverable amount**

6. For the purposes of article 18(2)(a) of the 2015 Order, the maximum total amount that a regional returning officer may recover is—

- (a) where the election is contested, £5,865, or
- (b) where the election is uncontested, £500.

#### **Maximum recoverable amount for specified services**

7.—(1) For the purposes of article 18(2)(c) of the 2015 Order, the maximum amount that a regional returning officer may recover for the services specified in paragraph (2) is—

- (a) where the election is contested, £825, or
- (b) where the election is uncontested, £200.

(2) The specified services are—

- (a) discharging the regional returning officer's duties at the election, and
- (b) making arrangements for the election.

#### **Maximum recoverable amount for specified expenses**

8.—(1) For the purposes of article 18(2)(c) of the 2015 Order, the maximum amount that a regional returning officer may recover for the expenses specified in paragraph (2) is—

- (a) where the election is contested, £5,040, or
- (b) where the election is uncontested, £300.

- (2) The specified expenses are—
- (a) the appointment and payment of persons to assist the regional returning officer,
  - (b) travel and overnight subsistence for the regional returning officer and any person appointed to assist the regional returning officer,
  - (c) printing or otherwise producing and, where appropriate, publishing notices and any other documents required by any enactment for or in connection with the election,
  - (d) renting, heating, lighting, cleaning, adapting or restoring any building or room,
  - (e) providing and transporting equipment,
  - (f) providing training, and
  - (g) providing stationery and meeting postage, telephone, printing, translation and banking costs and the costs of other miscellaneous items for or in connection with the election, including those which are incurred in collating the results of the election.

## PART 4

### Submission of Accounts

#### Accounts

**9.**—(1) An account must be submitted in a form acceptable to the Scottish Ministers and, unless otherwise agreed with the Scottish Ministers, must be fully submitted within six months of—

- (a) in the case of a constituency returning officer, the day of the declaration of the result of the Scottish parliamentary election to which the charges in the account relate, and
- (b) in the case of a regional returning officer, the day on which the regional members' seats are allocated for the Scottish parliamentary election to which the charges in the account relate.

(2) If requested by the Scottish Ministers, a constituency returning officer or a regional returning officer must provide them with full financial records and receipts relating to any charge contained in an account.

## PART 5

### Revocation

#### Revocation

**10.** The Scottish Parliament Elections (Returning Officers Fees and Charges) Regulations 2016 are revoked(a).

*GRAEME DEY*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
19th March 2021

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(a) S.S.I. 2016/10.

## SCHEDULE

Regulations 3, 4 and 5

Maximum total recoverable amounts and maximum recoverable amounts for returning officers' specified services and specified expenses for Scottish Parliament constituency polls

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Local authority</i>	<i>Maximum recoverable amount for specified services</i>	<i>Maximum recoverable amount for specified expenses</i>	<i>Maximum total recoverable amount</i>
Aberdeen City Council	£731,004	£13,564	£744,568
Aberdeenshire Council	£673,479	£13,427	£686,906
Angus Council	£434,709	£8,714	£443,423
Argyll and Bute Council	£346,206	£4,263	£350,469
City of Edinburgh Council	£2,030,196	£27,628	£2,057,824
Clackmannanshire Council	£245,900	£4,263	£250,163
Comhairle Nan Eilean Siar	£127,314	£4,263	£131,577
Dumfries and Galloway Council	£662,214	£9,486	£671,700
Dundee City Council	£401,199	£8,649	£409,848
East Ayrshire Council	£492,507	£9,882	£502,389
East Dunbartonshire Council	£189,549	£4,881	£194,430
East Lothian Council	£207,753	£4,511	£212,264
East Renfrewshire Council	£202,431	£4,263	£206,694
Falkirk Council	£367,253	£9,313	£376,566
Fife Council	£933,204	£22,986	£956,190
Glasgow City Council	£1,931,898	£35,737	£1,967,635
Highland Council	£820,845	£14,234	£835,079
Inverclyde Council	£215,420	£4,617	£220,037
Midlothian Council	£226,038	£4,664	£230,702
Moray Council	£235,902	£4,596	£240,498
North Ayrshire Council	£413,322	£8,862	£422,184
North Lanarkshire Council	£1,445,343	£21,882	£1,467,225
Orkney Islands Council	£67,682	£4,263	£71,945
Perth and Kinross Council	£449,499	£8,861	£458,360
Renfrewshire Council	£706,194	£12,788	£718,982
Scottish Borders Council	£446,183	£9,140	£455,323
Shetland Islands Council	£78,324	£4,263	£82,587
South Ayrshire Council	£305,829	£5,017	£310,846
South Lanarkshire Council	£998,312	£18,907	£1,017,219
Stirling Council	£184,395	£4,300	£188,695
West Dunbartonshire Council	£432,156	£8,815	£440,971
West Lothian Council	£426,090	£10,066	£436,156

## EXPLANATORY NOTE

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

These Regulations provide for the total amounts that are recoverable by returning officers for their services and expenses in connection with the conduct of elections for membership of the Scottish Parliament.

Regional returning officers are responsible for receiving regional lists of candidates from registered political parties, receiving nominations of individual candidates to be regional members, calculating regional figures to allocate regional member seats to registered political parties and individual candidates and coordinating the functions of constituency returning officers in their region that relate to the poll to return regional members.

Constituency returning officers are responsible for all other functions in connection with the elections, including the counting of votes for the return of constituency members and the counting of the regional votes.

Under article 18 of the Scottish Parliament (Elections etc.) Order 2015 (“the 2015 Order”) constituency returning officers and regional returning officers are entitled to recover their charges for services rendered and expenses incurred provided they were necessarily rendered or incurred for the efficient and effective conduct of the election. These charges and expenses may be capped by the Scottish Ministers via regulations made under article 18. Article 18 also enables the Scottish Ministers to specify in regulations the total amounts that may be recovered for particular types of services or expenses and to make provision about submission of accounts.

Regulations 3, 4 and 5 specify, for constituency returning officers, the maximum total amount that may be recovered, the maximum amount that may be recovered for specified services and the maximum amount that may be recovered for specified expenses. Different amounts apply depending on whether the election is contested or uncontested.

Regulations 6, 7 and 8 make equivalent provision for regional returning officers. Again, different amounts apply depending on whether the election is contested or uncontested.

Regulation 9 makes provision for the timescales within which accounts are to be submitted and provides that supporting material, such as receipts, must be provided if the Scottish Ministers request it.

Regulation 10 revokes the previous regulations made under article 18 of the 2015 Order.

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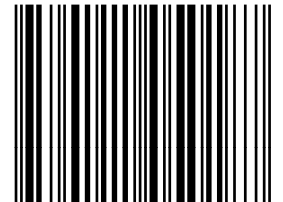
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the Queen’s Printer for Scotland.



£6.90

<http://www.legislation.gov.uk/id/ssi/2021/155>

ISBN 978-0-11-105018-7



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