

**2005 No. 1160**

**REPRESENTATION OF THE PEOPLE**

**The Parliamentary Elections (Returning Officer's Charges)  
(Northern Ireland) Order 2005**

*Made* - - - - - *10th April 2005*

*Coming into force* - - - - - *11th April 2005*

In exercise of the powers conferred upon him by section 29(3) and (4) of the Representation of the People Act 1983(a), 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 Officer's Charges) (Northern Ireland) Order 2005 and shall come into force on the day after the day on which it is made.

(2) This Order shall extend to Northern Ireland only.

**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(b), the expenses a returning officer(c) is entitled to recover, in respect of expenses properly incurred for or in connection with a parliamentary election are those—

(a) of a kind specified in paragraphs 1(1), 2(1), 3(1), 4(1), and 5(1) of Part A of the Schedule to this Order; and

(b) of a kind specified in Part B of the Schedule to this Order.

(2) The maximum recoverable amount at an uncontested election is hereby specified as £1,123.48 in respect of the expenses specified in Part A of the Schedule.

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(a) 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. Sub-sections (3) to (9) of section 29 have been substituted by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41), but that amendment has not yet been brought into force.

(b) Section 29(3) 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 service or expenses are of a kind specified in an order made under that provision and the charges are reasonable.

(c) The Chief Electoral Officer for Northern Ireland is the returning officer for each constituency in Northern Ireland by virtue of section 26 of the Representation of the People Act 1983.

(3) In the Schedule to this Order—

- (a) “election” means a parliamentary election;
- (b) “combined poll” 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(a), and
- (c) any reference to the register of electors is to the register of electors used at the election at which the expenses were 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 Officer’s Charges) (Northern Ireland) Order 1997(b) is hereby revoked.

Northern Ireland Office  
10th April 2005

*J Spellar*  
Minister of State

We consent to the Order

7th April 2005

*J Heppell*  
*J Murphy*  
Two of the Lords Commissioners of Her Majesty’s Treasury

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(a) 1985 c.50; this provision was extended so as to apply to Northern Ireland by section 3(1) of the Elections Act 2001 (c.7).  
(b) S.I. 1997/774; the Order was applied to the elections held on 7th June 2001 by section 5(4) of the Elections Act 2001.

EXPENSES IN RESPECT OF WHICH A RETURNING OFFICER AT  
A PARLIAMENTARY ELECTION IN NORTHERN IRELAND MAY  
RECOVER HIS CHARGES

PART A

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 (5), the maximum recoverable amount for the expenses specified in sub-paragraph (1) in respect of the presiding officer at each polling station is £200.00.

(3) Subject to sub-paragraphs (4) and (5), where there are combined polls at a polling station, the maximum recoverable amount for the expenses specified in sub-paragraph (1) is increased by £40.00.

(4) Subject to sub-paragraph (5), where, at a polling place there is more than one polling station the maximum recoverable amount for the expenses specified in sub-paragraph (1) in respect of one only of the presiding officers at the polling stations at such a polling place is increased by £10.00.

(5) In the event of a combined election, the maximum recoverable amount for the expenses specified in sub-paragraph (1) in respect of one only of the presiding officers at the polling stations at such a polling place is increased by £15.00.

(6) Where a presiding officer receives training (including a presiding officer who, owing to incapacity or other reason, does not discharge the duties of presiding officer on polling day) the maximum recoverable amount in respect of that training is £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-paragraph (3), the maximum recoverable amount for the expenses specified in sub-paragraph (1) in respect of each poll clerk is £150.00.

(3) Where there are combined polls at a polling station, the maximum recoverable amount for the expenses specified in sub-paragraph (1) in respect of each poll clerk is increased by £25.00.

(4) Where a poll clerk receives training (including a poll clerk who, owing to incapacity or other reason, does not discharge the duties of poll clerk on polling day) the maximum recoverable amount in respect of that training is £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 the preparation, issue and revision of the official poll cards.

(2) The maximum recoverable amount for the expenses specified in sub-paragraph (1) is, for every 100 cards or fraction thereof, £1.69.

4.—(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, issue and receipt of postal ballot papers; and
- (b) the count and any other clerical or other assistance for the purpose of the election.

(2) Subject to sub-paragraphs (3) to (5), the maximum recoverable amount for each constituency for the expenses specified in sub-paragraph (1)(a) is £4,500.00.

(3) Subject to sub-paragraph (4), where there are combined polls for the conduct of which the returning officer is responsible, the maximum recoverable amount for each constituency for the expenses specified in sub-paragraph (1)(a) is £6,375.00.

(4) In a constituency where the number of entries in the register exceeds 60,000, the maximum recoverable amount for the expenses specified in sub-paragraph (1)(a) is increased for every thousand entries or fraction thereof above 60,000, by £53.98.

(5) For every 100 voters or fraction thereof entitled to vote by post in a constituency, the maximum recoverable amount for the expenses specified in sub-paragraph (1)(a) is increased by £50.00.

(6) Subject to sub-paragraphs (7) and (8), the maximum recoverable amount for each constituency for the expenses specified in sub-paragraph (1)(b) is £8,000.00.

(7) Where there are combined polls for the conduct of which the returning officer is responsible, the maximum recoverable amount for the expenses specified in sub-paragraph (1)(b) is £9,400.

(8) For each recount of the votes ordered by the returning officer, the maximum recoverable amount in sub-paragraphs (6) and (7) will be increased by £500.

(9) Where a person employed in connection with the count receives training (including count staff who, owing to incapacity or other reason, do not discharge their duties at the count) the maximum recoverable amount in respect of that training is £40.00.

5.—(1) This paragraph makes provision for a returning officer's expenses in respect of persons employed to provide training in accordance with paragraphs 1(6), 2(4) and 4(9).

- (2) The maximum recoverable amount in respect of each training session is £150.00.
- (3) The number of training sessions shall not exceed 90.

## PART B

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

1. The returning officer may recover expenses incurred of a kind specified in this Part.
2. Travelling and overnight subsistence expenses of –
  - (a) the returning officer;
  - (b) any person employed to count the votes;
  - (c) any presiding officer or poll clerk;
  - (d) any person performing functions delegated to him by the returning officer in accordance with section 14A(1) of the Electoral Law Act (Northern Ireland) 1962(a); and
  - (e) any clerical or other persons employed by the returning officer.

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(a) 1962 c.14; section 14A(1) was inserted by the Electoral Law (Northern Ireland) Order 1972 No. 1264 (N.I. 13). It allows the Chief Electoral Officer to appoint persons to assist him. Section 14A(2) authorises him to delegate any of his functions to persons appointed under section 14A(1).

- 3.** Expenses in printing or otherwise producing the ballot papers.
- 4.** 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 A of this Schedule.
- 5.** Expenses in printing or otherwise producing and, where appropriate, publishing notices and other documents required by the Representation of the People Acts.
- 6.** Expenses in renting, heating, lighting and cleaning any building or room.
- 7.** Expenses in adapting any building or room and in restoring it to a fit condition for its normal use.
- 8.** Expenses in the provision and storage of voting compartments and any other furniture necessary for polling stations, and for the count.
- 9.** Expenses in the provision and storage of ballot boxes and instruments to stamp on the ballot papers the official mark.
- 10.** Expenses in the conveyance to and from the polling stations of—
  - (a) the ballot boxes and ballot papers, and
  - (b) the voting compartments, and any other furniture necessary for polling stations and the instruments to stamp on the ballot papers the official mark.
- 11.** Expenses in the provision of stationery and writing implements and in postage, telephone and bank charges and other miscellaneous items.
- 12.** Expenses in the provision to each polling station of the large version of the ballot paper and of the prescribed devices for assisting voters with disabilities.
- 13.** Expenses in the connection with the provision of security measures.

## **EXPLANATORY NOTE**

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

This Order, which applies in Northern Ireland, revokes and replaces the Parliamentary Elections (Returning Officer's Charges) (Northern Ireland) Order 1997 ("the 1997 Order"). The limits set in the 1997 Order were used for the parliamentary election held on 7th June 2001 by virtue of section 5(4) of the Elections Act 2001.

Under section 29(3) of the Representation of the People Act 1983 (as substituted by the Representation of the People Act 1991), the entitlement of a returning officer at a parliamentary election to recover his charges in respect of his expenses for or in connection with such an election depends upon:

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

The Schedule to this Order specifies the kinds of expenses incurred by a returning officer for or in connection with a parliamentary election in respect of which he is entitled to recover his charges, together (in the case of Part A) with the maximum recoverable amounts in respect of those charges. Part A of the Schedule increases the maximum recoverable amounts from those that were specified in the 1997 Order.



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