

STATUTORY INSTRUMENTS

2012 No. 1917

The Police and Crime Commissioner Elections Order 2012

PART 3

The election campaign

Candidate election expenses

Payment of candidate election expenses through election agent

31.—(1) Subject to paragraph (4), no payment (of whatever nature) may be made by—

- (a) a candidate at a PCC election, or
- (b) any other person,

in respect of election expenses incurred by or on behalf of the candidate unless it is made by or through the candidate's election agent.

(2) Every payment made by an election agent in respect of any election expenses must, except where less than £20, be vouched for by a bill stating the particulars or by a receipt.

(3) The references in paragraphs (1) and (2) to an election agent are to be taken as references to the election agent acting by himself or herself or by a sub-agent.

(4) This article does not apply to—

- (a) any expenses which are, in accordance with article 32(1) or (2), 37(6) or 38(2), paid by the candidate,
- (b) any expenses which are paid in accordance with article 32(4) by a person authorised as mentioned in that provision,
- (c) any expenses included in a declaration made by the election agent under article 33, ^{F1}...
- [^{F2}(ca) any expenses incurred on account of any matter falling within article 34(1) by a person authorised as mentioned in that provision; or]
- (d) any expenses which are to be regarded as incurred by or on behalf of the candidate by virtue of article 50(5).

(5) A person who makes any payment (of whatever nature) in contravention of paragraph (1) is guilty of an illegal practice.

Textual Amendments

F1 Word in art. 31(4) omitted (6.12.2022) by virtue of [The Police and Crime Commissioner Elections \(Amendment\) Order 2022 \(S.I. 2022/1275\)](#), arts. 1(2), **2(2)(a)** (with art. 3(1))

F2 Art. 31(4)(ca) inserted (6.12.2022) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2022 \(S.I. 2022/1275\)](#), arts. 1(2), **2(2)(b)** (with art. 3(1))

Candidate election expenses which may be paid otherwise than by election agent

32.—(1) The candidate at a PCC election may pay any personal expenses incurred by the candidate on account of or in connection with or incidental to the election but—

- (a) the amount which a candidate may pay must not exceed £5,000, and
- (b) any further personal expenses so incurred by the candidate must be paid by the candidate's election agent.

(2) The candidate at a PCC election may also pay any election expenses (other than expenses falling within paragraph (1)) which were incurred by or on behalf of the candidate and in respect of which payment falls to be made before the date on which the candidate appoints (or is deemed to have appointed) an election agent.

(3) The candidate must send to the candidate's election agent within the time limited by this Order for sending in claims a written statement of the amount of expenses paid as mentioned in paragraph (1) or (2) by the candidate.

(4) Any person may, if so authorised in writing by the candidate's election agent, pay any necessary expenses for stationery, postage, telegrams (or any similar means of communication) and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named must be paid by the election agent.

(5) A statement of the particulars of payments made by any person so authorised must be sent to the election agent within the time limited by this Order for sending in claims, and must be vouched for by a bill containing that person's receipt.

(6) Articles 37 and 38 do not apply to expenses which, in accordance with any provision of this article, are paid otherwise than by the candidate's election agent.

Candidate election expenses incurred otherwise than for election purposes

33.—(1) Articles 31, 37 and 38 do not apply to election expenses—

- (a) which are incurred by or on behalf of a candidate otherwise than for the purposes of the candidate's election, but
- (b) which by virtue of article 50(1) fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they were incurred being used for the purposes of the candidate's election.

(2) The candidate's election agent must make a declaration of the amount of any election expenses falling within paragraph (1).

(3) In this article “for the purposes of the candidate's election” has the same meaning as in articles 50 and 51.

Prohibition of candidate election expenses not authorised by election agent

34.—(1) No expenses may, with a view to promoting or procuring the election of a person who becomes a candidate at a PCC election, be incurred after the person becomes a candidate at the election by anyone other than the candidate, the candidate's election agent and persons authorised in writing by the election agent on account—

- (a) of holding public meetings or organising any public display, or
- (b) of issuing advertisements, circulars or publications, or
- (c) of otherwise presenting to the electors the candidate or the views of the candidate or the extent or nature of the candidate's backing or disparaging another candidate.

(2) Paragraph (1)(c) does not restrict the publication of any matter relating to the election in—

- (a) a newspaper or other periodical,
 - (b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
 - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990^{M1} (independent television and radio services) or Part 1 or 2 of the Broadcasting Act 1996^{M2} (digital terrestrial television and sound broadcasting).
- (3) Paragraph (1) does not apply to any expenses incurred by any person—
- (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action), or
 - (b) in travelling or in living away from home or similar personal expenses.
- (4) For the purposes of paragraph (3)(a), the permitted sum in respect of a candidate at a PCC election for a police area listed in an entry in the first column of table 1 is the amount shown for that entry in the second column.

Table 1

<i>Police area</i>	<i>Permitted sum</i>
Avon & Somerset	£ 6,278
Bedfordshire	£ 2,347
Cambridgeshire	£ 3,055
Cheshire	£ 4,015
Cleveland	£ 2,155
Cumbria	£ 2,024
Derbyshire	£ 3,993
Devon and Cornwall	£ 6,573
Dorset	£ 3,003
Durham	£ 2,499
Dyfed-Powys	£ 2,035
Essex	£ 6,605
Gloucestershire	£ 2,422
Greater Manchester	£ 10,046
Gwent	£ 2,199
[^{F3} Hampshire and Isle of Wight]	£ 7,345
Hertfordshire	£ 4,260
Humberside	£ 3,557
Kent	£ 6,433
Lancashire	£ 5,682
Leicestershire	£ 3,952
Lincolnshire	£ 2,805
Merseyside	£ 5,139

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Norfolk	£ 3,392
North Wales	£ 2,674
North Yorkshire	£ 3,142
Northamptonshire	£ 2,686
Northumbria	£ 5,507
Nottinghamshire	£ 4,116
South Wales	£ 4,904
South Yorkshire	£ 5,030
Staffordshire	£ 4,314
Suffolk	£ 2,828
Surrey	£ 4,345
Sussex	£ 6,197
Thames Valley	£ 8,551
Warwickshire	£ 2,144
West Mercia	£ 4,750
West Midlands	£ 10,080
West Yorkshire	£ 8,098
Wiltshire	£ 2,630

(5) For the purposes of paragraph (3)(a), expenses are to be regarded as incurred by a person “as part of a concerted plan of action” if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding paragraph (3)(a)) fall within paragraph (1).

(6) Where a person incurs any expenses required by this article to be authorised by the election agent—

- (a) that person must within 21 days after the day on which the result of the election is declared deliver to the police area returning officer a return of the amount of those expenses, stating the PCC election at which and the candidate in whose support they were incurred, and
- (b) the return must be accompanied by a declaration made by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred,

but this paragraph does not apply to any person engaged or employed for payment or promise of payment by the candidate or the election agent of a candidate.

(7) The return and declaration under the preceding provisions of this article must be in Form 24 and Form 25 set out in Schedule 6 or a form to like effect, and the authority received from the election agent must be annexed to the return and is deemed to form part of it.

(8) The police area returning officer must forward to the registration officer for each local authority wholly or partly comprised in the police area every document sent to the officer in pursuance of paragraph (7), and rule 68 of the PCC elections rules shall apply to any such documents.

(9) If a person—

- (a) incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of this article, or
- (b) knowingly makes the declaration required by paragraph (6)(b) falsely,

that person is guilty of a corrupt practice.

(10) If a person fails to deliver or send any declaration or return or a copy of it as required by this article the person is guilty of an illegal practice.

(11) The court before which a person is convicted under paragraph (9) or (10) may, if it thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 of the 1983 Act (read with article 77) (incapacities on conviction of corrupt or illegal practices).

(12) A candidate is not liable and the candidate's election is not to be avoided for a corrupt or illegal practice under paragraph (9) or (10) committed by an agent without the candidate's consent or connivance.

(13) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this article, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, is deemed guilty of that offence by virtue of this paragraph, unless that person proves—

- (a) that the act or omission took place without the person's consent or connivance, and
- (b) that the person exercised all such diligence to prevent the commission of the offence as the person ought to have exercised having regard to the nature of the person's functions in that capacity and to all the circumstances.

(14) For the purposes of paragraph (1), expenditure incurred before the date when a person becomes a candidate at the election is to be treated as having been incurred after that date if it is incurred in connection with anything which is used or takes place after that date.

(15) References in this article to an election agent include a sub-agent.

Textual Amendments

- F3** Words in art. 34(4) table substituted (13.7.2022) by [The Police Act 1996 \(Amendment and Consequential Amendments\) Regulations 2022 \(S.I. 2022/790\)](#), regs. 1(2), **3(2)**

Marginal Citations

- M1** 1990 c.42.
M2 1996 c.55.

Limitation of candidate election expenses

35.—(1) The election expenses incurred by or on behalf of a candidate at a PCC election must not in the aggregate exceed the maximum amount specified in the table in paragraph (2).

(2) For the purposes of paragraph (1), the maximum amount in respect of a candidate at a PCC election for a police area listed in an entry in the first column of table 2 is the amount shown for that entry in the second column.

Table 2

Police area

Maximum amount

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Avon & Somerset	£ 222,851
Bedfordshire	£ 83,681
Cambridgeshire	£ 108,754
Cheshire	£ 142,720
Cleveland	£ 76,889
Cumbria	£ 72,231
Derbyshire	£ 141,933
Devon and Cornwall	£ 233,281
Dorset	£ 106,888
Durham	£ 89,055
Dyfed-Powys	£ 72,622
Essex	£234,412
Gloucestershire	£ 86,344
Greater Manchester	£ 356,204
Gwent	£ 78,422
[^{F4} Hampshire and Isle of Wight]	£ 260,591
Hertfordshire	£ 151,378
Humberside	£ 126,520
Kent	£ 228,338
Lancashire	£ 201,729
Leicestershire	£ 140,496
Lincolnshire	£ 99,900
Merseyside	£ 182,529
Norfolk	£ 120,662
North Wales	£ 95,241
North Yorkshire	£ 111,814
Northamptonshire	£ 95,663
Northumbria	£ 195,548
Nottinghamshire	£ 146,305
South Wales	£ 174,179
South Yorkshire	£ 178,637
Staffordshire	£ 153,313
Suffolk	£ 100,698
Surrey	£ 154,401
Sussex	£ 219,983

Thames Valley	£ 303,303
Warwickshire	£ 76,476
West Mercia	£ 168,735
West Midlands	£ 357,435
West Yorkshire	£ 287,255
Wiltshire	£ 93,682

(3) The maximum amount is not required to cover the candidate's personal expenses.

(4) The maximum amount is not affected for any candidate by the change in the timing of the PCC election or of any step in the proceedings at the election.

(5) Where a poll at a PCC election is countermanded or abandoned by reason of a candidate's death, the maximum amount for any of the other candidates who then remain validly nominated is to be twice or, if there has been a previous increase under this paragraph, three times what it would have been but for an increase under this paragraph.

(6) Where any election expenses are incurred in excess of a maximum amount specified in paragraph (2) or (5), any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount,

is guilty of an illegal practice.

Textual Amendments

- F4** Words in art. 35(2) table substituted (13.7.2022) by [The Police Act 1996 \(Amendment and Consequential Amendments\) Regulations 2022 \(S.I. 2022/790\)](#), regs. 1(2), **3(3)**

Power to vary provisions about candidate election expenses

36.—(1) The [^{F5}Secretary of State] may by order made by statutory instrument vary any of the sums to which this article applies—

- (a) where the [^{F5}Secretary of State] considers that the variation is expedient in consequence of changes in the value of money, or
- (b) in order to give effect to a recommendation of the Commission.

(2) This article applies to any of the sums for the time being specified in—

- (a) article 31(2);
- (b) article 32(1)(a);
- (c) article 34(4);
- (d) article 35(2).

(3) An order under paragraph (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946^{M3} (definition of “Statutory Instrument”), the power to make an order which is conferred by paragraph (1) is to be taken to be conferred by an Act of Parliament.

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Textual Amendments

- F5** Words in art. 36(1) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), [Sch. 2 para. 30\(3\)\(c\)](#) (with art. 12)

Marginal Citations

- M3** 1946 9&10 Geo.6 (c.36).

Time for sending in and paying claims

37.—(1) Every claim against a candidate or the candidate's election agent in respect of election expenses which is not sent in to the election agent within 21 days after the day on which the result of the election is declared is barred and must not be paid.

(2) All election expenses must be paid not later than 28 days after that day.

(3) Any person who pays a claim in contravention of paragraph (1) or makes a payment in contravention of paragraph (2) is guilty of an illegal practice.

(4) Where the election court reports that it has been proved to the court that any payment made as described in paragraph (3) was by an election agent without the sanction or connivance of the candidate—

- (a) the candidate's election is not void, nor
- (b) is the candidate subject to any incapacity under this Order by reason only of that payment having been made in contravention of this article.

(5) The claimant or the candidate or the candidate's election agent may apply to the High Court or to a county court for leave to pay a claim for any election expenses, although sent in after the period of 21 days or although sent in to the candidate and not to the election agent, and the court on cause shown to their satisfaction may by order grant the leave.

(6) Any sum specified in the order of leave may be paid by the candidate or the candidate's election agent and when paid in pursuance of the leave does not contravene paragraph (2).

Disputed claims

38.—(1) If the election agent disputes any claim sent in to the agent within the period of 21 days mentioned in article 37 or refuses or fails to pay the claim within the period of 28 days mentioned in that article, the claim is deemed to be a disputed claim.

(2) The claimant may, if the claimant thinks fit, bring an action for a disputed claim in any competent court, and any sum paid by the candidate or the candidate's election agent in pursuance of the judgment or order of the court does not contravene article 31(1) or 37(2).

(3) Article 37(5) and (6) apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after that period of 21 days.

Election agent's claim

39. So far as circumstances admit, this Order applies to an election agent's claim for remuneration and to its payment in like manner as if the agent were any other creditor, and if any difference arises about the amount of the claim, the claim is a disputed claim within the meaning of this Part of this Order and is to be dealt with accordingly.

Return as to candidate election expenses

40.—(1) Within 70 days after the day on which the result of the PCC election is declared, the election agent of every candidate at the election must deliver to the police area returning officer a true return containing as respects that candidate—

- (a) a statement of all election expenses incurred by or on behalf of the candidate, and
 - (b) a statement of all payments made by the election agent together with all bills or receipts relating to the payments.
- (2) A return under this article must—
- (a) specify the poll by virtue of which the return is required,
 - (b) specify the name of the candidate to whom the return relates and the name of the candidate's election agent, and
 - (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of article 34(6).
- (3) The return must also contain as respects that candidate—
- (a) a statement relating to such other expenses in connection with which provision is made by this Part as the Commission provide in regulations;
 - (b) a statement relating to such claims (whether paid, unpaid or disputed) in connection with such election expenses or such other expenses mentioned in sub-paragraph (a) as the Commission so provide;
 - (c) a statement relating to such other matters as the Commission provide in regulations.
- (4) Where after the date at which the return as to election expenses is delivered, leave is given by the court under article 37(5) for any claim to be paid, the candidate or the candidate's election agent—
- (a) must, within 7 days after its payment, deliver to the police area returning officer a return of the sums paid in pursuance of the leave, accompanied by a copy of the order of the court giving the leave, and
 - (b) in default, is to be treated as having failed to comply with the requirements of this article without such authorised excuse as is mentioned in article 45.
- (5) The Commission may, by regulations, prescribe a form of return which may be used for the purposes of making any return (or any description of return) required by this article.

Declarations as to candidate election expenses

41.—(1) The return delivered under article 40(1) must be accompanied by a declaration made by the candidate's election agent in Form 26 set out in Schedule 6 or a form to like effect.

(2) At the same time that the candidate's election agent delivers that return, or within seven days afterwards, the candidate must deliver to the police area returning officer a declaration made by the candidate in Form 27 set out in Schedule 6 or a form to like effect.

- (3) Where the candidate is out of the United Kingdom when the return is so delivered—
- (a) the declaration required by paragraph (2) may be made by the candidate within 14 days after the candidate's return to the United Kingdom, and
 - (b) in that case, the declaration must be forthwith delivered to the police area returning officer.

(4) But the delay authorised by paragraph (3) in making the declaration does not exonerate the candidate's election agent from complying with the provisions of this Order relating to the return and declaration as to election expenses.

(5) Where the candidate is his or her own election agent, the declaration by an election agent as to election expenses need not be made and the declaration by the candidate as to election expenses is to be made in Form 28 in Schedule 6 or a form to like effect.

(6) A candidate or an election agent who knowingly makes the declaration required by this article falsely is guilty of a corrupt practice.

Circumstances in which no return or declaration required

42. Notwithstanding anything in article 40 or 41, no return or declaration as to election expenses is required in the case of a person—

- (a) who is a candidate at a PCC election, but is so only because he or she has been declared by others to be a candidate, and
- (b) who has not consented to the declaration or taken any part as a candidate at the election.

Penalty for failure as respects return or declarations

43. Subject to the provisions of article 45, a candidate or election agent who fails to comply with the requirements of articles 40 or 41 is guilty of an illegal practice.

Disqualification where no return and declarations transmitted after PCC election

44.—(1) If, in the case of any candidate, the return and declarations as to election expenses are not delivered before the expiry of the time limited for the purpose, the candidate is, as respects that election, disqualified from being elected as, or being, a police and crime commissioner.

(2) Any application under article 45 by such a candidate for relief in respect of a failure to deliver the return and declarations as to election expenses must be made within the period of 6 weeks following the day on which the time limited for their delivery expires.

- (3) A disqualification under paragraph (1) does not take effect unless or until—
 - (a) the period specified in paragraph (2) for making an application for relief under article 45 expires without such an application having been made, or
 - (b) if such an application is made, the application—
 - (i) is finally disposed of without relief being granted, or
 - (ii) is abandoned or fails by reason of non-prosecution.

Authorised excuses for failures as to return and declarations

45.—(1) A candidate or the candidate's election agent may apply for relief under this article to the High Court, an election court or a county court.

(2) Where a person makes an application under this article, the person must notify the Director of Public Prosecutions of the application and the Director or any assistant of the Director or any barrister, solicitor or authorised person duly appointed as the Director's representative may attend the hearing of the application and make representations at the hearing in respect of it.

- (3) Relief under this article may be granted—
 - (a) to a candidate, in respect of any failure to deliver the return and declarations as to election expenses, or any part of them, or in respect of any error or false statement in them, or
 - (b) to an election agent, in respect of the failure to deliver the return and declarations which the agent was required to deliver, or any part of them, or in respect of any error or false statement in them.

(4) The application for relief may be made on the ground that the failure, error or false statement arose—

- (a) by reason of the applicant's illness, or
- (b) where the applicant is the candidate, by reason of the absence, death, illness or misconduct of the candidate's election agent or sub-agent or of any clerk or officer of such agent, or
- (c) where the applicant is the election agent—
 - (i) by reason of the death or illness of any prior election agent of the candidate, or
 - (ii) by reason of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the candidate, or
- (d) by reason of inadvertence or any reasonable cause of a like nature,

and not by reason of any want of good faith on the applicant's part.

(5) The court may—

- (a) after such notice of the application in the police area as it considers fit, and
- (b) on production of such evidence of the grounds stated in the application and of the good faith of the applicant, and otherwise, as it considers fit,

make such order for allowing an authorised excuse for the failure, error or false statement as it considers just.

(6) Where it is proved to the court by the candidate—

- (a) that any act or omission of the election agent in relation to the return and declarations was without the sanction or connivance of the candidate, and
- (b) that the candidate took all reasonable means for preventing the act or omission,

the court must relieve the candidate from the consequences of the act or omission of the candidate's election agent.

(7) An order under paragraph (5) may make the allowance conditional on the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Part.

(8) An order under paragraph (5) has the effect of relieving the applicant for the order from any liability or consequences in respect of the matter excused by the order that would otherwise arise under this Order.

(9) The date of the order or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Order as the date of the allowance of the excuse.

Court's power to require information from election agent or sub-agent

46.—(1) Where on an application under article 45 it appears to the court that any person (“P”) who is or has been an election agent or sub-agent has refused or failed to make such return, or to supply such particulars, as will enable the candidate and the candidate's election agent respectively to comply with the provisions of this Order as to the return or declarations as to election expenses, the court, before making an order under that article, must order P to attend before the court.

(2) The court must on the attendance of P, unless P shows cause to the contrary, order P—

- (a) to make the return and declaration, or
- (b) to deliver a statement of the particulars required to be contained in the return,

as the court considers just, within such time, to such person and in such manner as the court may direct, or may order P to be examined with respect to the particulars.

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(3) If P fails to comply with any order of the court under this article, the court may order P to pay a fine ^{F6}....

^{F7}(4)

Textual Amendments

F6 Words in art. 46(3) omitted (E.W.) (12.3.2015) by virtue of The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 5 para. 21(1)(a)** (with reg. 5(1))

F7 Art. 46(4) omitted (E.W.) (12.3.2015) by virtue of The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 5 para. 21(1)(b)** (with reg. 5(1))

Police area returning officer to forward returns and declarations to the Commission

47. Where the police area returning officer receives any return or declaration under article 34, 40 or 41, the officer must —

- (a) as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Commission, and
- (b) if so requested by the Commission, also deliver to them a copy of any accompanying documents.

Publication of time and place for inspection of returns and declarations

48.—(1) The police area returning officer at a PCC election must within 10 days after the end of the time allowed for delivering to the officer returns as to election expenses—

- (a) publish in not less than two newspapers circulating in the police area for which the election was held, and
- (b) send to each of the election agents,

a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected.

(2) If any return or declaration has not been received by the police area returning officer before the notice is despatched for publication under paragraph (1), the notice must so state, and a like notice about that return or declaration, if afterwards received, must within 10 days after the receipt be published in like manner and sent to each of the election agents other than the agent who is in default or is agent for the candidate in default.

Inspection of returns and declarations

49.—(1) Where the police area returning officer receives any return or declaration under article 34, 40 or 41, the officer must—

- (a) as soon as reasonably practicable after receiving the return or declaration make a copy of it, and any accompanying documents, available for public inspection at the office of the police area returning officer, or some other convenient place chosen by the officer, for a period of two years beginning with the date when the return is received by the officer;
- (b) if requested to do so by any person, and on payment of the fee determined in accordance with paragraph (3), supply that person with a copy of the return or declaration and any accompanying documents.

(2) If any such return contains a statement of donations in accordance with paragraph 10 of Schedule 5, the police area returning officer must secure that the copy of the statement made available for public inspection under paragraph (1)(a) or (as the case may be) supplied under paragraph (1)(b) does not include, in the case of any donation by an individual, the donor's address.

(3) The fee for a copy of a return, declaration or document referred to in paragraph (1)(b) is to be determined at the rate of 15p for each side of each page.

(4) After the expiry of the two year period referred to in paragraph (1)(a), the police area returning officer—

- (a) may cause those returns and declarations (including the accompanying documents) to be destroyed, or
- (b) if the candidate or the candidate's election agent so requires, must return them to the candidate.

(5) Any returns or declarations delivered under article 34 must be returned not to the candidate (if the candidate or the candidate's election agent so requires) but to the person delivering them, if that person so requires.

Meaning of “election expenses”

50.—(1) In this Part “election expenses” in relation to a candidate at a PCC election means (subject to paragraph (2) and article 51) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 7 which is used for the purposes of the candidate's election after the date when the candidate becomes a candidate at the election.

(2) No election expenses are to be regarded as incurred by virtue of paragraph (1) or article 51 in respect of any matter specified in Part 2 of Schedule 7.

(3) In this article and in article 51, “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.

(4) For the purposes of this Part, election expenses are incurred by or on behalf of a candidate at a PCC election if they are incurred—

- (a) by the candidate or the candidate's election agent, or
- (b) by any person authorised by the candidate or the candidate's election agent to incur expenses.

(5) A reference in this Part to a candidate at an election, in relation to election expenses, includes (where the context allows) a reference to a person who becomes a candidate at the election after the expenses are incurred.

(6) In this Part and in Part 3 of the 1983 Act, as applied by paragraph 1 of Schedule 9, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.

(7) Schedule 7 has effect.

Property, goods, services etc provided free of charge or at a discount

51.—(1) This article applies where, in the case of a candidate at a PCC election—

- (a) either—
 - (i) property or goods is or are transferred to the candidate or the candidate's election agent free of charge or at a discount of more than 10 per cent. of the market value of the property or goods, or
 - (ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent of the commercial

rate for the use of the property or for the provision of the goods, services or facilities, and

- (b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.

[^{F8}(1A) For the purposes of paragraph (1)(b), property, goods, services or facilities is or are made use of on behalf of a candidate only if their use on behalf of the candidate is directed, authorised or encouraged by the candidate or the candidate's election agent.]

(2) Where this article applies, and subject to Part 2 of Schedule 7—

- (a) an amount of election expenses determined in accordance with this article (“the appropriate amount”) is to be treated, for the purposes of this Part, as incurred by the candidate, and
- (b) the candidate's election agent must make a declaration of that amount,

unless that amount is not more than £50.

(3) Where paragraph (1)(a)(i) applies, the appropriate amount is such proportion of either—

- (a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or
- (b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),

as is reasonably attributable to the use made of the property or goods as mentioned in paragraph (1)(b).

(4) Where paragraph (1)(a)(ii) applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in paragraph (1)(b).

(5) Where the services of an employee are made available by the employer for the use or benefit of a candidate, then for the purposes of this article the commercial rate for the provision of those services is to be taken as being the amount of the remuneration and allowances payable to the employee by the employer in respect of the period for which the employee's services are so made available (but this does not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

(6) In this article “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 5 applies with any necessary modifications for the purpose of determining, for the purposes of paragraph (1), whether property or goods is or are transferred to a candidate or the candidate's election agent.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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Textual Amendments

F8 [Art. 51\(1A\)](#) inserted (6.12.2022) by [The Police and Crime Commissioner Elections \(Amendment\) Order 2022 \(S.I. 2022/1275\)](#), arts. 1(2), **2(3)** (with art. 3(2))

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police and Crime Commissioner Elections Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 para. 4 applied by [S.I. 2023/1150 reg. 23](#)
- Sch. A1 inserted by [S.I. 2023/1150 Sch. 1](#)
- Sch. 2 para. 3(10) amendment to earlier affecting provision S.I. 2023/1147, reg. 17(5)(a)(iii) by [S.I. 2023/1406 reg. 19\(2\)\(a\)\(ii\)](#)
- Sch. 2 para. 3(10) inserted by [S.I. 2023/1147 reg. 17\(5\)\(a\)\(iii\)](#)
- Sch. 2 para. 4(6) inserted by [S.I. 2023/1147 reg. 17\(5\)\(b\)\(iii\)](#)
- Sch. 2 para. 9A inserted by [S.I. 2023/1225 reg. 8\(6\)\(a\)](#)
- Sch. 2 para. 29(1A) inserted by [S.I. 2023/1225 reg. 8\(6\)\(b\)\(ii\)](#)
- Sch. 2 para. 43(3A) inserted by [S.I. 2023/1225 reg. 8\(6\)\(d\)\(ii\)](#)
- Sch. 2 para. 43A-43D inserted by [S.I. 2023/1225 reg. 8\(6\)\(e\)](#)
- Sch. 2 para. 46A-46E inserted by [S.I. 2023/1225 reg. 8\(6\)\(g\)](#)
- Sch. 2 para. 55(6)-(9) inserted by [S.I. 2023/1225 reg. 8\(6\)\(h\)\(ii\)](#)
- Sch. 2 para. 57(1)(g) and word inserted by [S.I. 2023/1225 reg. 8\(6\)\(i\)\(ii\)](#)
- Sch. 2 para. 59A(1)(a)(ii)(iii) inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iii\)\(bb\)](#)
- Sch. 2 para. 59A(1)(c)(ii) inserted by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iv\)\(bb\)](#)
- Sch. 2 para. 16C(7)(ca) inserted by [S.I. 2024/43 reg. 24\(2\)](#)
- Sch. 2 para. 7(14) inserted by [S.I. 2023/1147, reg. 17\(5\)\(ca\)\(iii\) \(as inserted\) by S.I. 2023/1406 reg. 19\(2\)\(b\)](#)
- Sch. 2 para. 16C(6) omitted by [S.I. 2023/1406 reg. 12\(b\)](#)
- Sch. 2 para. 16C(5) substituted by [S.I. 2023/1406 reg. 12\(a\)](#)
- Sch. 2 para. 6(5)-(7) substituted for Sch. 2 para. 6(5) by [S.I. 2023/1147 reg. 17\(5\)\(c\)](#)
- Sch. 2 para. 16C(7) word substituted by [S.I. 2023/1406 reg. 12\(c\)\(i\)](#)
- Sch. 2 para. 59A(1)(a)(i) words in Sch. 2 para. 59A(1)(a) renumbered as Sch. 2 para. 59A(1)(a)(i) by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iii\)\(aa\)](#)
- Sch. 2 para. 59A(1)(c)(i) words in Sch. 2 para. 59A(1)(c) renumbered as Sch. 2 para. 59A(1)(c)(i) by [S.I. 2023/1225 reg. 8\(6\)\(k\)\(iv\)\(aa\)](#)
- Sch. 2 para. 16C(7)(b) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(ii\)](#)
- Sch. 2 para. 16C(7)(c) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(ii\)](#)
- Sch. 2 para. 16C(7)(d) words substituted by [S.I. 2023/1406 reg. 12\(c\)\(iii\)](#)
- Sch. 3 rule 34(1)(ba) inserted by [S.I. 2023/1225 reg. 8\(7\)\(b\)](#)
- Sch. 3 rule 49(2)(e) and word inserted by [S.I. 2023/1225 reg. 8\(7\)\(c\)\(ii\)](#)
- Sch. 3 rule 70 Form 11 substituted by [S.I. 2023/1147 Sch. 8 Pt. 2](#)
- Sch. 3 rule 70 Form 13 substituted by [S.I. 2023/1147 Sch. 8 Pt. 2](#)
- Sch. 3 rule 70 Form 12 substituted by [S.I. 2023/1225 Sch. 6 Pt. 2](#)
- Sch. 3 rule 70 Form 14 substituted by [S.I. 2023/1225 Sch. 6 Pt. 2](#)
- Sch. 3 rule 49(2)(c) word omitted by [S.I. 2023/1225 reg. 8\(7\)\(c\)\(i\)](#)
- Sch. 3 rule 37(1)(b) words inserted by [S.I. 2023/1147 reg. 17\(7\)\(a\)](#)
- Sch. 3 rule 37 table words omitted by [S.I. 2023/1147 reg. 17\(7\)\(b\)\(ii\)](#)
- Sch. 3 rule 37 table words substituted by [S.I. 2023/1147 reg. 17\(7\)\(b\)\(i\)](#)
- Sch. 3 rule 32(1)(a) words substituted by [S.I. 2023/1225 reg. 8\(7\)\(a\)\(i\)](#)
- Sch. 3 rule 32(1)(b) words substituted by [S.I. 2023/1225 reg. 8\(7\)\(a\)\(ii\)](#)
- Sch. 4 para. 27(1)(a) words substituted by [S.I. 2023/1225 reg. 8\(8\)\(a\)\(i\)](#)
- Sch. 4 para. 27(1)(b) words substituted by [S.I. 2023/1225 reg. 8\(8\)\(a\)\(ii\)](#)
- Sch. 4 para. 27(2) words substituted by [S.I. 2023/1225 reg. 8\(8\)\(b\)](#)
- Sch. 7 para. 14A inserted by [S.I. 2024/428 reg. 4\(3\)](#)
- Sch. 10 para. 3(1)(b)(v) inserted by [S.I. 2023/1225 reg. 8\(10\)\(b\)](#)
- art. 3A inserted by [S.I. 2023/1150 reg. 36\(3\)](#)

- art. 13(1)(ea) art. 13(1)(ee) renumbered as art. 13(1)(ea) by [S.I. 2024/131 reg. 22\(2\)\(a\)](#)
- art. 13(1)(ea) words inserted by [S.I. 2024/131 reg. 22\(2\)\(b\)](#)
- art. 18A inserted by [S.I. 2023/1141 reg. 4\(2\)](#)
- art. 22(5A)-(5F) inserted by [S.I. 2023/1225 reg. 8\(3\)](#)