

The Counting Officers', Regional Counting Officers' and Chief Counting Officer's Accounts (Parliamentary Voting System Referendum) Regulations 2011

Made

5th April 2011

Coming into force in accordance with regulation 1(2)

The Electoral Commission, in exercise of the powers conferred by paragraph 20(11) of Schedule 1 to the Parliamentary Voting System and Constituencies Act 2011, make the following Regulations:

Title, application and commencement

1.—(1) The title of these Regulations is the Counting Officers', Regional Counting Officers' and Chief Counting Officer's Accounts (Parliamentary Voting System Referendum) Regulations 2011.

(2) These Regulations come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

- (a) "the 2000 Act" means the Political Parties, Elections and Referendums Act 2000;
- (b) "the 2011 Act" means the Parliamentary Voting System and Constituencies Act 2011;
- (c) "account" means an account prepared by an officer (as defined by regulation 2(d) below) for the purpose of paragraph 20(8) of Schedule 1 to the 2011 Act and includes an account (or part of an account) prepared for that purpose in order to account for the use of an advance made under paragraph 20(10) of Schedule 1 to that Act; and
- (d) "officer" means a Regional Counting Officer^a, a counting officer^b or the Chief Counting Officer^c.

Address for submission of accounts

3. An account must be addressed to and submitted by an officer to the Election Claims Unit^d at an address notified by the Electoral Commission.

Time for submission of accounts

4.—(1) Subject to regulation 5, an officer must submit a complete account in accordance with these Regulations within the period of 8 months commencing with the day of the declaration of result of the referendum to which the charges in the account relate.

Incomplete accounts

5.—(1) Where an officer is, for good reason, unable to comply with regulation 4, the officer must submit an incomplete account within the period specified in regulation 4.

(2) An incomplete account submitted under this regulation must—

- (a) be as complete as possible in the circumstances,
- (b) include a statement to the effect that it is an incomplete account,
- (c) include the reasons for the submission of an incomplete account, and

^a "Regional Counting Officer" is defined in paragraph 3 of Schedule 1 to the 2011 Act.

^b "counting officer" is defined in paragraph 2 of Schedule 1 to the 2011 Act.

^c "Chief Counting Officer" is defined in section 128(2) of the 2000 Act.

^d Part of the Finance Shared Services Division of the Department for Communities and Local Government.

(d) include a proposed date by which, subject to the agreement of the Electoral Commission, a complete account will be submitted.

(3) The proposed date referred to in paragraph (2)(d) must be no later than 1 month after the last day of the period specified in regulation 4.

(4) Where the Electoral Commission—

(a) considers that the account submitted under this regulation is not as complete as possible in the circumstances,

(b) does not accept the officer's reasons for the submission of the incomplete account, or

(c) considers the proposed date referred to in paragraph (2)(d) to be unreasonable,

the Electoral Commission may require the officer to submit a complete account by an earlier date than the proposed date referred to in paragraph (2)(d).

Documents to be submitted with accounts

6. An account submitted by a counting officer or a Regional Counting Officer in accordance with regulation 4 or 5 must be supported by—

(a) a receipt or other documentation in respect of each charge for services rendered and expenses incurred by the officer, and

(b) a declaration, signed by the officer in the following terms—

"I declare that this account, submitted for the purposes of the payment of charges in respect of services necessarily rendered and expenses necessarily incurred for the efficient and effective conduct of the referendum in the area for which I am responsible, is correct to the best of my knowledge and belief."

7. An account submitted by the Chief Counting Officer in accordance with regulation 4 or 5 must be supported by—

(a) a receipt or other documentation in respect of the expenses incurred by the Chief Counting Officer, and

(b) a declaration, signed by the Chief Counting Officer in the following terms—

"I declare that this account, submitted for the purposes of the payment of charges in respect of the expenses necessarily incurred for the efficient and effective conduct of the referendum, is correct to the best of my knowledge and belief."

Form and submission of accounts

8.—(1) In relation to a counting officer or a Regional Counting Officer, the form in which an account must be submitted must be such that the charges in respect of each of the specified services and specified expenses are shown separately.

(2) For the purposes of paragraph (1), the specified services and specified expenses are those set out in any order made under paragraph 20 of Schedule 1 to the 2011 Act in force at the time of the referendum to which the charges in the account relate.

(3) In relation to the Chief Counting Officer, the form in which an account must be submitted must be such that the charges in respect of each of the specified expenses are shown separately.

(4) For the purposes of paragraph (3), the specified expenses are those governed by paragraph 20 (7) of Schedule 1 to the 2011 Act.

R Posner

Bob Posner Legal Counsel Electoral Commission

Peter Wardle

Peter Wardle Chief Executive Electoral Commission

Date 5 April 2011



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to the referendum that is to be held in accordance with the Parliamentary Voting System and Constituencies Act 2011 (“the 2011 Act”).

Regional Counting Officers and counting officers may recover sums in respect of services rendered and expenses incurred in accordance with paragraph 20 of Schedule 1 to the 2011 Act and any further order made under that paragraph. The Chief Counting Officer may recover sums in respect of expenses incurred in accordance with paragraph 20(7) of Schedule 1 to the 2011 Act

These regulations make provision about the form of accounts that Regional Counting Officers, counting officers and the Chief Counting Officer must prepare in order to recover those sums. The Regulations also make provision about the time within which such accounts are to be submitted and how the accounts and supporting documentation (e.g. receipts) are to be submitted.

The regulations set out a deadline for submissions of accounts. This deadline is 8 months after the referendum. The effect of this 8 month deadline is that the accounts are due on 5 January 2012.

Such accounts may be taxed (ie referred by the Commission for detailed scrutiny by the county court) in accordance with paragraph 21 of Schedule 1 to the 2011 Act.