

The Counting Officers', Regional Counting Officers' and Chief Counting Officer's Accounts (European Union Referendum) Regulations 2016

Made..... 24th MARCH 2016

Coming into force in accordance with regulation 1(2)

The Electoral Commission, in exercise of the powers conferred by paragraph 16(10) of Schedule 3 to the European Union Referendum Act 2015, 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 (European Union Referendum) Regulations 2016.

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

Interpretation

2. In these Regulations—

- (a) "the 2015 Act" means the European Union Referendum Act 2015;
- (b) "the 2016 Regulations" means the European Union Referendum (Counting Officers' and Regional Counting Officers' Charges) Regulations 2016;
- (c) "account" means an account prepared by an officer (as defined by regulation 2(d) below) for the purpose of paragraph 16(8) of Schedule 3 to the 2015 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 16(9) of Schedule 3 to that Act; and
- (d) "officer" means a Regional Counting Officer^a, a counting officer^b or the Chief Counting Officer^c.

Requirement to submit accounts

3. An account must be submitted in accordance with these Regulations.

Address for submission of accounts

4. 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

5.—(1) Subject to paragraphs (2), (3) and (4) below, an officer must submit an account before the end of 23 December 2016.

(2) If an officer is unable to submit an account within the period referred to in paragraph (1), that officer may apply to the Electoral Commission for an extension of time for the submission of the account. An application for an extension must be made before the end of 9 December 2016.

(3) The officer's application for an extension must include reasons for the delay and state the proposed submission date.

(4) If the Electoral Commission agrees to an extension, the officer must submit the account within such extended period as the Electoral Commission specifies.

^a "Regional Counting Officer" is defined in section 11 of the 2015 Act

^b "counting officer" is defined in section 11 of the 2015 Act

^c "Chief Counting Officer" is defined in section 11 of the 2015 Act

^d Part of the Cabinet Office.

Form and submission of accounts

6.—(1) In relation to a counting officer or a Regional Counting Officer, an account must be in writing and must show the charges in respect of each of the specified services and specified expenses separately.

(2) For the purposes of paragraph (1), the specified services and specified expenses are those set out in the 2016 Regulations and any further order made under paragraph 16 of Schedule 3 to the 2015 Act in force on the day on which the referendum is held.

(3) In relation to the Chief Counting Officer, an account must be in writing and must show the charges in respect of each of the specified expenses separately.

(4) For the purposes of paragraph (3), the specified expenses are those set out in paragraph 16(7) of Schedule 3 to the 2015 Act.

(5) If requested to do so by the Electoral Commission, the officer must submit supporting documentation relating to their account.

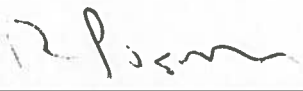
Declaration etc. to be submitted with accounts

7. An account submitted by a counting officer or a Regional Counting Officer must be accompanied by 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.”

8. An account submitted by the Chief Counting Officer must be accompanied by 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.”



Bob Posner, Legal Counsel, Electoral Commission



Claire Bassett, Chief Executive, Electoral Commission

Date 24 March 2016



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 European Union Referendum Act 2015 (“the 2015 Act”).

Regional Counting Officers and counting officers may recover sums in respect of services rendered and expenses incurred in accordance with the European Union Referendum (Counting Officers’ and Regional Counting Officers’ Charges) Regulations 2016 (“the 2016 Regulations”) and any further order made under paragraph 16 of Schedule 3 to the 2015 Act. The Chief Counting Officer may recover sums in respect of expenses incurred in accordance with paragraph 16(7) of Schedule 3 to the 2015 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 are to be submitted.

The regulations specify that the deadline for submission of accounts is 23 December 2016, unless an extension is granted by the Commission. The deadline for making requests for extensions is 9 December 2016.

The accounts submitted by Regional Counting Officers and counting officers may be taxed (ie referred by the Commission for detailed scrutiny by the county court) in accordance with paragraph 17 of Schedule 3 to the 2015 Act.