

2012 No. 2088

POLICE, ENGLAND AND WALES

The Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012

<i>Made</i>	- - - -	<i>9th August 2012</i>
<i>Laid before Parliament</i>		<i>13th August 2012</i>
<i>Coming into force</i>	- -	<i>15th September 2012</i>

These Regulations are made by the Secretary of State, in exercise of the powers conferred by section 55(10) and 154(5)(a) and (c) of the Police Reform and Social Responsibility Act 2011(a).

Citation and commencement

1. These Regulations may be cited as the Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 and shall come into force on 15th September 2012.

Interpretation

2. In these Regulations—

“the 2011 Act” means the Police Reform and Social Responsibility Act 2011;

“account” means an account prepared by a returning officer for the purposes of section 55(6) of 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 section 55(9) of the 2011 Act;

“Accounting Officer” means the accounting officer appointed under section 5(6) of the Government Resources and Accounts Act 2000(b) for the Home Office;

“PCC election” means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the 2011 Act.

Address for submission of accounts

3. An account must be addressed to the Accounting Officer and submitted by the returning officer to the Elections Claims Unit at the address notified by the Secretary of State.

Time for submission of accounts

4. Subject to regulation 5, a complete account must be submitted in accordance with these Regulations by the returning officer within the period of 8 months commencing with the day of the declaration of the result of the PCC election to which the charges in the account relate.

(a) 2011 c. 13.
(b) 2000 c.20.

Incomplete accounts

5.—(1) Where a returning officer is, for good reason, unable to comply with regulation 4, the returning 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
- (d) include a proposed date by which, subject to the agreement of the Accounting Officer, a complete account will be submitted.

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

(4) Where the Accounting Officer—

- (a) considers that the account submitted under this regulation is not as complete as possible in the circumstances,
- (b) does not accept the returning 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 Accounting Officer may require the returning 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 in accordance with regulation 4 or 5 must be accompanied by—

- (a) a receipt or other supporting documentation in respect of each charge for services rendered and expenses incurred by the returning officer, and
- (b) a declaration, signed by the returning 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 this police and crime commissioner election in the area for which I am responsible, is correct to the best of my knowledge and belief.”

Form of accounts

7.—(1) 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 section 55(1) of the 2011 Act in force at the time of the PCC election to which the charges in the account relate.

Home Office
9th August 2012

Nick Herbert
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the time when, and manner and form in which, accounts are to be submitted by returning officers for police and crime commissioner elections.

Regulations 3 and 4 require the submission of an account within 8 months of the day on which the result of the police and crime commissioner election is declared.

Regulation 5 provides that a returning officer may submit an account to recover some of the charges that the officer is entitled to recover. This is known as an incomplete account and must be accompanied by a statement of the reasons for submitting it. The statement must also specify the date on which the complete account will be submitted. This must be not later than 3 months after the expiry of the initial period specified in regulation 4 although the Accounting Officer has power to specify an earlier date in certain circumstances.

Regulations 6 and 7 make provision about the form in which the accounts are to be submitted and the receipts and supporting documents to be submitted with them.

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STATUTORY INSTRUMENTS

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