



# Electoral Administration Act 2006

## 2006 CHAPTER 22

### PART 8

#### MISCELLANEOUS

#### *Election services*

#### **67 Performance of local authorities in relation to elections etc.**

After section 9 of the 2000 Act insert—

##### **“9A Setting of performance standards**

- (1) The Commission may from time to time—
  - (a) determine standards of performance for relevant officers, and
  - (b) publish, in such form and in such manner as they consider appropriate, the standards so determined.
- (2) The standards of performance are such standards as the Commission think ought to be achieved by—
  - (a) electoral registration officers in the performance of their functions;
  - (b) returning officers in the administration of the elections specified in subsection (6);
  - (c) counting officers in the administration of the referendums specified in subsection (7).
- (3) Before determining standards under subsection (1), the Commission must consult—
  - (a) the Secretary of State, and
  - (b) any other person they think appropriate.
- (4) The Commission may determine different standards for different descriptions of relevant officers.

---

*Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: Election services. (See end of Document for details)*

---

- (5) When the Commission publish standards under subsection (1) they must send a copy of the published standards to the Secretary of State who must lay a copy of the published standards before each House of Parliament.
- (6) The elections specified in this subsection are—
- (a) an election mentioned in section 5(2);
  - (b) a parliamentary by-election;
  - (c) an election under section 9 of the Scotland Act 1998 (constituency vacancies);
  - (d) an election under section 8 of the Government of Wales Act 1998 (vacancies in constituency seats);
  - (e) a local government election in England or Wales.
- (7) The referendums specified in this subsection are—
- (a) a referendum to which Part 7 applies;
  - (b) a referendum under Part 2 of the Local Government Act 2000.
- (8) For the purposes of this section and sections 9B and 9C, the relevant officers are—
- (a) electoral registration officers;
  - (b) in relation to elections within subsection (6), returning officers;
  - (c) in relation to referendums within subsection (7), counting officers.

### **9B Returns and reports on performance standards**

- (1) The Commission may from time to time issue directions to relevant officers to provide the Commission with such reports regarding their level of performance against the standards determined under section 9A(1) as may be specified in the direction.
- (2) A direction under subsection (1)—
- (a) must specify the relevant officer or officers to whom it is issued (and may specify a description or descriptions of relevant officers),
  - (b) may require the report or reports to relate to such elections or referendums (or both) as may be specified in the direction, and
  - (c) may require the report or reports to be provided in a form specified in the direction.
- (3) A report provided to the Commission in pursuance of subsection (1) may be published by the relevant officer to whom it relates.
- (4) The Commission shall from time to time prepare and publish (in such manner as the Commission may determine) assessments of the level of performance by relevant officers against the standards determined under section 9A(1).
- (5) An assessment under subsection (4)—
- (a) must specify the relevant officer or officers to whom it relates;
  - (b) must specify the period to which it relates;
  - (c) may specify the elections or referendums (or both) to which it relates.

---

*Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: Election services. (See end of Document for details)*

---

- (6) The Commission must not prepare an assessment under subsection (4) unless they have received reports in pursuance of subsection (1) from the relevant officer or officers for the matters to which the assessment relates.
- (7) Before publishing an assessment under subsection (4), the Commission shall—
  - (a) provide to each relevant officer a copy of those parts of the assessment which relate to him;
  - (b) have regard to any comments made by him regarding the factual accuracy of the assessment.

### **9C Provision of information about expenditure on elections etc.**

- (1) The Commission may by notice in writing direct a relevant officer to provide the Commission with such expenditure information as may be specified in the direction.
- (2) Expenditure information is information relating to—
  - (a) in the case of an electoral registration officer, expenditure in connection with the performance of his functions;
  - (b) in the case of a returning officer, expenditure in connection with the election or elections specified in section 9A(6) for which he is appointed or otherwise holds office;
  - (c) in the case of a counting officer, expenditure in connection with the referendum or referendums specified in section 9A(7) for which he is appointed.
- (3) A direction under subsection (1)—
  - (a) may require the information to relate to such elections or (as the case may be) referendums as may be specified in the direction;
  - (b) may require the information to be provided in a form specified in the direction;
  - (c) may specify the time within which the information must be provided.
- (4) This section does not affect any other power of the Commission to request information.”

#### **Commencement Information**

- II** S. 67 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 23 (subject to transitional provisions in Sch. 2)

### **68 Funding of services and expenses of returning officers**

- (1) Section 29 of the 1983 Act (payments by and to returning officer) is amended as follows.
- (2) For subsections (3) to (4B) substitute—
  - “(3) A returning officer shall be entitled to recover his charges in respect of services rendered, or expenses incurred, for or in connection with a parliamentary election if—

---

**Changes to legislation:** There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: Election services. (See end of Document for details)

---

- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election; and
  - (b) the total of his charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, an order made by the Secretary of State for the purposes of this subsection.
- (3A) An order under subsection (3) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of any specified description and, subject to subsection (3B) below, the returning officer may not recover more than that amount in respect of any such services or expenses.
- (3B) The Secretary of State may, in a particular case, authorise the payment of—
- (a) more than the overall maximum recoverable amount, or
  - (b) more than the specified maximum recoverable amount for any specified services or expenses,
- if he is satisfied that the conditions in subsection (3C) are met.
- (3C) The conditions referred to in subsection (3B) are—
- (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses, and
  - (b) that the charges in question are reasonable.”
- (3) In subsection (9), for “subsections (3) and (4)” substitute “ subsection (3) ”.
- (4) This section ceases to have effect if, before it is brought into force, paragraph 6(3) of Schedule 21 to the 2000 Act is brought into force.

---

**Commencement Information**

- I2** S. 68 wholly in force at 10.2.2010; s. 68 not in force at Royal Assent see s. 77; s. 68 in force for E.W. at 1.1.2007 by [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 15\(b\)](#) (with [Sch. 2](#)); s. 68 in force for N.I. at 1.7.2008 by [S.I. 2008/1316](#), [arts. 2\(2\)](#), [4\(w\)](#)
- I3** S. 68 in force at 10.2.2010 for S. by [S.I. 2010/275](#), [art. 3](#) (with [art. 4](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Electoral Administration Act 2006,  
Cross Heading: Election services.