



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 1

POLICE REFORM

CHAPTER 6

POLICE AND CRIME COMMISSIONERS: ELECTIONS AND VACANCIES

Conduct of elections

54 Returning officers etc

- (1) The returning officer for an election of a police and crime commissioner for a police area (“the police area returning officer”) is to be a person who—
 - (a) is an acting returning officer by virtue of section 28(1) of the Representation of the People Act 1983 (acting returning officer for parliamentary election) for a constituency falling wholly or partly within the police area, and
 - (b) is designated for the purposes of this subsection by order of the Secretary of State.
- (2) The Secretary of State may by regulations confer functions—
 - (a) on police area returning officers, and
 - (b) on local returning officers.
- (3) Regulations under subsection (2) may apply or incorporate, with or without modifications or exceptions, any relevant provision.

Status: This is the original version (as it was originally enacted).

- (4) Each relevant local authority must place the services of its officers at the disposal of any person on whom functions are conferred under subsection (2) in relation to the police area for the purpose of assisting that person in the discharge of those functions.
- (5) In this section—
- “local authority” means—
 - (a) a district council,
 - (b) a county council in England for a county in which there are no district councils,
 - (c) the Council of the Isles of Scilly,
 - (d) a county council or county borough council in Wales;
 - “local election” means an election of members of a local authority;
 - “local returning officer” means a person who, by virtue of section 35 of the Representation of the People Act 1983, is a returning officer for any local elections;
 - “relevant local authority”, in relation to a police area, means a local authority whose area falls wholly or partly within the police area;
 - “relevant provision” means any provision (whenever passed or made) of, or made under, any of the following—
 - (a) the Representation of the People Acts,
 - (b) the Local Government Act 1972,
 - (c) the Local Government Act 2000,
 - (d) the Political Parties, Elections and Referendums Act 2000,
 - (e) the European Parliamentary Elections Act 2002,
 - (f) the Government of Wales Act 2006, and
 - (g) any other enactment relating to parliamentary elections, European Parliamentary elections or local government elections.

55 Returning officers: expenditure

- (1) A returning officer may recover charges in respect of services rendered, or expenses incurred, by the officer for or in connection with an election of a police and crime commissioner if—
- (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 the officer’s 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, with the consent of the Treasury, for the purposes of this subsection.
- (2) An order under subsection (1) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of any specified description.
- (3) Subject to subsection (4), the returning officer may not recover more than the specified maximum recoverable amount in respect of any specified services or expenses.
- (4) In a particular case the Secretary of State may 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 the Secretary of State is satisfied that the conditions in subsection (5) are met.
- (5) Those conditions 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.
- (6) The amount of any charges recoverable in accordance with this section is to be paid by the Secretary of State on an account being submitted to the Secretary of State.
- (7) But the Secretary of State may, before payment, apply for the account to be taxed under section 56.
- (8) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this section as part of a returning officer's charges at an election of a police and crime commissioner, then on an account being submitted to the Secretary of State a sum equal to the increase must be paid to the authority by the Secretary of State.
- (9) On the request of a returning officer for an advance on account of the officer's charges, the Secretary of State may make such an advance on such terms as the Secretary of State thinks fit.
- (10) The Secretary of State may by regulations make provision as to—
 - (a) the time when, and
 - (b) the manner and form in which,

accounts are to be rendered to the Secretary of State for the purposes of the payment of a returning officer's charges.
- (11) Any sums required by the Secretary of State for making payments under this section are to be charged on, and paid out of, the Consolidated Fund.
- (12) In this section—
 - “local authority” has the same meaning as in section 54;
 - “local returning officer” has the same meaning as in that section;
 - “returning officer” means—
 - (a) a police area returning officer, or
 - (b) a local returning officer on whom functions are conferred under subsection (2) of that section;
 - “specified” means specified in, or determined in accordance with, an order under subsection (1).

56 Taxation of returning officer's account

- (1) Any application under section 55(7) for a returning officer's account to be taxed is to be made to the county court.
- (2) On any such application the court has jurisdiction—
 - (a) to tax the account—
 - (i) in such manner, and
 - (ii) at such time and place,

- as the court thinks fit, and
 - (b) finally to determine the amount payable to the returning officer.
- (3) On any such application the returning officer may apply to the court to examine any claim made by any person against the officer in respect of matters charged in the account.
- (4) Where an application is made in respect of a claim under subsection (3)—
- (a) notice of the application must be given to the claimant;
 - (b) the court must give the claimant an opportunity to be heard and to tender any evidence;
 - (c) the court may allow or disallow the claim, with or without costs;
 - (d) the determination of the court is final for all purposes and as against all persons.
- (5) In this section “returning officer” has the same meaning as in section 55.

57 Voting at elections of police and crime commissioners

- (1) This section applies to any election under this Chapter of a police and crime commissioner for a police area.
- (2) The commissioner is to be returned under the simple majority system, unless there are three or more candidates.
- (3) If there are three or more candidates—
- (a) the commissioner is to be returned under the supplementary vote system, and
 - (b) any vote in the election is a supplementary vote.
- (4) Schedule 9 (the supplementary vote system) has effect.
- (5) In subsection (3), “supplementary vote” means a vote capable of being given to indicate first and second preferences from among the candidates.

58 Power to make provision about elections etc

- (1) The Secretary of State may by order make provision as to—
- (a) the conduct of elections of persons to be police and crime commissioners;
 - (b) the questioning of such an election and the consequences of irregularities.
- (2) The provision which may be made under subsection (1)(a) includes, in particular, provision—
- (a) about registration of electors;
 - (b) for disregarding alterations in a register of electors;
 - (c) about the registration or other recognition of political parties and other persons incurring expenditure in relation to elections of police and crime commissioners;
 - (d) about funding and expenditure, in relation to elections of police and crime commissioners, of candidates, political parties and other persons incurring such expenditure;
 - (e) for the combination of polls at elections of police and crime commissioners and other polls;

- (f) for any election held in consequence of any irregularity at an ordinary election to be treated as held at an ordinary election for any of the purposes of this Act.
- (3) An order under subsection (1) may—
- (a) apply or incorporate, with or without modifications or exceptions, any relevant provision;
 - (b) modify any form contained in any relevant provision so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for police and crime commissioners;
 - (c) include provision creating criminal offences.
- (4) Provision within paragraph (d) of subsection (2) includes, in particular—
- (a) provision prohibiting, or imposing limitations on, funding or expenditure of any kind mentioned in that paragraph, and
 - (b) provision for treating funding or expenditure of any such kind which does not relate exclusively to an election of police and crime commissioners as being (or not being), wholly or partly, funding or expenditure in relation to which—
 - (i) any provision within paragraph (a) applies, or
 - (ii) any relevant provision applies.
- (5) The Secretary of State may by order make modifications of any relevant provision that are consequential on any provision of—
- (a) section 1(4),
 - (b) this Chapter,
 - (c) an order under subsection (1), or
 - (d) regulations under section 54.
- (6) Provision that may be made under subsection (5) includes, in particular, provision modifying any relevant provision so as to apply (with or without modifications)—
- (a) in relation to elections for police and crime commissioners as it applies in relation to other elections;
 - (b) in relation to police and crime commissioners as it applies in relation to persons elected at other elections.
- (7) In this section—
- “relevant provision” means any provision (whenever passed or made) of, or made under, any of the following—
- (a) the Representation of the People Acts,
 - (b) the Local Government Act 1972,
 - (c) the Local Government Act 2000,
 - (d) the Political Parties, Elections and Referendums Act 2000,
 - (e) the European Parliamentary Elections Act 2002,
 - (f) the Government of Wales Act 2006, and
 - (g) any other enactment relating to parliamentary elections, European Parliamentary elections or local government elections;
- “modify” includes amend, repeal or revoke (and related terms are to be read accordingly).