

SCHEDULE 1

Amendments to the 1962 Act

Part 1

Amendments to Part 4 (officers) and Part 6 (the election campaign)

16. After section 52 insert—

“52A Meaning of “election expenses” at a local election

(1) In this Part “election expenses” in relation to a candidate at a local election means (subject to subsection (2) and section 52B) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 3B which is used for the purposes of the candidate's election after the date when the candidate becomes a candidate at the election.

(2) No election expenses are to be regarded as incurred by virtue of subsection (1) or section 52B in respect of any matter specified in Part 2 of Schedule 3B.

(3) In this section and in section 52B, “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.

(4) For the purposes of this Part election expenses are incurred by or on behalf of a candidate at an election if they are incurred—

- (a) by the candidate or the candidate's election agent, or
- (b) by any person authorised by the candidate or the candidate's election agent to incur expenses.

(5) A reference in this Part to a candidate at an election, in relation to election expenses, includes (where the context allows) a reference to a person who becomes a candidate at the election after the expenses are incurred.

(6) In this Part and in Parts 9 and 10, any reference (in whatever terms) to promoting or procuring a candidate's election at a local election includes doing so by prejudicing the electoral prospects of another candidate at the election.

(7) Schedule 3B has effect.

52B Property, goods, services etc provided free of charge or at a discount

(1) This section applies where, in the case of a candidate at a local election—

- (a) either—
 - (i) property or goods is or are transferred to the candidate or the candidate's election agent free of charge or at a discount of more than 10 per cent of the market value of the property or goods, or
 - (ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and
- (b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.

Status: Point in time view as at 16/12/2010.

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(2) Where this section applies—

- (a) an amount of election expenses determined in accordance with this section (“the appropriate amount”) is to be treated, for the purposes of this Part, as incurred by the candidate, and
- (b) the candidate's election agent must make a declaration of that amount, unless that amount is not more than £50.

This subsection has effect subject to Part 2 of Schedule 3B.

(3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either—

- (a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or
- (b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),

as is reasonably attributable to the use made of the property or goods as mentioned in subsection (1)(b).

(4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the services or facilities (where the property, goods, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in subsection (1)(b).

(5) Where the services of an employee are made available by an employer for the use or benefit of a candidate, then for the purposes of this section the commercial rate for the provision of those services is the amount of the remuneration and allowances payable to the employee by the employer in respect of the period for which the employee's services are so made available (but does not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

(6) In this section “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 3A applies with any necessary modifications for the purpose of determining, for the purposes of subsection (1) whether property or goods is or are transferred to a candidate or the candidate's election agent.”.

Status:

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