
STATUTORY INSTRUMENTS

2011 No. 676 (W.99)

REPRESENTATION OF THE PEOPLE, WALES

The National Assembly for Wales (Returning
Officers' Accounts) Regulations 2011

Made - - - - 2 March 2011

Coming into force - - 25 March 2011

The Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by article 23(10) of the National Assembly for Wales (Representation of the People) Order 2007⁽¹⁾ (“the 2007 Order”) and now vested in them⁽²⁾, make the following Regulations—

Title, application and commencement

1.—(1) The title of these Regulations is the National Assembly for Wales (Returning Officers' Accounts) Regulations 2011.

(2) These Regulations come into force on 25 March 2011.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

- (a) “account” (“*cyfrif*”) means an account submitted under article 23(7) of the National Assembly for Wales (Representation of the People) Order 2007 for the payment of a constituency or a regional returning officer’s charges for, or in connection with, an Assembly election;
- (b) “Assembly constituency” (“*etholaeth y Cynulliad*”) is to be construed in accordance with section 2 of the Government of Wales Act 2006;
- (c) “Assembly electoral region” (“*rhanbarth etholaethol y Cynulliad*”) is to be construed in accordance with section 2 of the Government of Wales Act 2006;
- (d) “the 2007 Order” (“*Gorchymyn 2007*”) means the National Assembly for Wales (Representation of the People) Order 2007;
- (e) “the Principal Accounting Officer” (“*y Prif Swyddog Cyfrifyddu*”) is to be construed in accordance with section 129(6) and (7) of the Government of Wales Act 2006.

⁽¹⁾ S.I. 2007/236.

⁽²⁾ By virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32) the powers of the National Assembly for Wales were transferred to the Welsh Ministers.

Submission of accounts to the Welsh Ministers

3.—(1) Subject to paragraph (4), an account must be submitted within the period of eight months commencing with the day of the Assembly election to which the account relates.

(2) An account may be submitted in respect of some of the charges which a constituency or a regional returning officer is entitled to recover (“an incomplete account”); but, where a further account is likely to be submitted the incomplete account must include a statement to this effect.

(3) The statement referred to at paragraph (2) must include the reason for the submission of an incomplete account and the proposed date, agreed with the Principal Accounting Officer, by which the complete accounts will be submitted.

(4) An account must be accompanied by—

(a) a receipt in respect of each charge for an expense incurred by the constituency or regional returning officer to whom the account relates; and

(b) a certificate, signed by that returning officer, in the following terms—

(i) in English—

“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 election in the area for which I am responsible is correct to the best of my knowledge and belief.”; or

(ii) in Welsh—

“Yr wyf yn datgan bod y cyfrif hwn, a gyflwynir at ddibenion talu costau yng nghyswllt gwasanaethau a roddwyd o angenrheidrwydd a threuliau yr aethpwyd iddynt o angenrheidrwydd er mwyn cynnal yr etholiad hwn yn effeithlon ac yn effeithiol yn yr ardal yr wyf yn gyfrifol amdani, yn gywir hyd eithaf fy ngwybodaeth a'm cred.”.

Form of accounts

4.—(1) The form in which an account is submitted must be such that the charges in respect of each listed item are shown separately.

(2) In paragraph (1), “listed item” (“*eitem a restrir*”) refers to a kind of service rendered or expense incurred by a constituency or a regional returning officer for, or in connection with, the Assembly election to which the account relates.

2 March 2011

Carl Sargeant
Minister for Social Justice and Local
Government, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the time when, manner and form in which accounts are to be rendered to the Welsh Ministers by returning officers in connection with the National Assembly for Wales elections.

Article 23 of the National Assembly for Wales (Representation of the People) Order 2007 provides that a constituency or a regional returning officer is entitled to recover charges in respect of services rendered or expenses incurred in connection with an Assembly election. Article 23(10) provides that the Welsh Ministers may make provision regarding the manner and the form in which accounts are to be rendered to the Welsh Ministers for the purpose of the payment of a returning officer's charges.

Regulation 3 of these Regulations relates to the submission of accounts by a constituency or regional returning officer.

Regulation 3(1) specifies that an account must be submitted within eight months starting from the day on which the National Assembly for Wales election is held, to which the account relates.

Regulation 3(2) provides that a constituency or regional 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 submitted together with a statement.

Regulation 3(3) provides that when an incomplete account is submitted the statement must include the reason for the submission of the incomplete account and the proposed date when the complete account will be submitted. This date must be agreed with the Principal Accounting Officer.

Regulation 3(4) provides that an account must be submitted together with a receipt and a certificate. Provision is given for the content of the receipt and the form of words to be used within the certificate.

Regulation 4 of these Regulations specifies the form of accounts to be submitted to the Welsh Ministers. Regulation 4(1) provides that the account must list each item charged for separately. Regulation 4(2) provides that an item to be listed within the account relates to a service rendered or expense incurred for or in connection with the National Assembly for Wales election to which the account relates.