



# 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*

#### **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 [<sup>F1</sup>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 [<sup>F2</sup>Secretary of State] may authorise the payment of—

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*Changes to legislation:* There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Section 55. (See end of Document for details)

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- (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 [F<sup>2</sup>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 [F<sup>3</sup>Secretary of State] on an account being submitted to the [F<sup>3</sup>Secretary of State].
- (7) But the [F<sup>3</sup>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 [F<sup>3</sup>Secretary of State] a sum equal to the increase must be paid to the authority by the [F<sup>3</sup>Secretary of State].
- (9) On the request of a returning officer for an advance on account of the officer's charges, the [F<sup>3</sup>Secretary of State] may make such an advance on such terms as the [F<sup>3</sup>Secretary of State] thinks fit.
- (10) The [F<sup>3</sup>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 [F<sup>3</sup>Secretary of State] for the purposes of the payment of a returning officer's charges.
- (11) Any sums required by the [F<sup>3</sup>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;
  - F<sup>4</sup>  
...
  - “returning officer” means—
- (a) a police area returning officer, or
  - (b) a local returning officer on whom functions are conferred under subsection (2) of [F<sup>5</sup>section 54];
- “specified” means specified in, or determined in accordance with, an order under subsection (1).

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### Textual Amendments

- F1** Words in s. 55(1)(b) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 22(3)** (a) (with art. 12)

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- F2** Words in s. 55(4) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 22(3)(a)** (with art. 12)
- F3** Words in s. 55(6)-(11) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 22(3)(a)** (with art. 12)
- F4** Words in s. 55(12) omitted (8.12.2021) by virtue of The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 22(3)(b)** (with art. 12)
- F5** Words in s. 55(12) substituted (12.8.2015) by The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015 (S.I. 2015/1526), art. 1(2), **Sch. para. 1(3)(b)(ii)** (with art. 5(2))

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**Modifications etc. (not altering text)**

- C1** S. 55 functions to be exercisable concurrently with the Chancellor of the Duchy of Lancaster (12.8.2015) by The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015 (S.I. 2015/1526), arts. 1(2), **3(1)(2)(b)** (with arts. 3(3), 4)
- C2** Ss. 50-61 excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 21(b)**
- C3** S. 55 excluded (22.9.2020) by The Postponed Elections and Referendums (Coronavirus) and Policy Development Grants (Amendment) Regulations 2020 (S.I. 2020/926), regs. 1(2), **10(5)** (with reg. 10(6))

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**Commencement Information**

- I1** S. 55 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Section 55.