

The National Assembly for Wales
Referendum (Assembly Act
Provisions) (Counting Officers'
Accounts) Regulations 2010

2010 No. 47

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to the referendum that is to be held in accordance with the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 (“the 2010 Order”).

Counting officers may recover sums in respect of services rendered and expenses incurred in accordance with article 13 of the 2010 Order and any further order made under that article.

These regulations make provision about the form of accounts that counting officers must prepare in order to recover those sums. The Regulations also make provision about the time within which such accounts are to be submitted and how the accounts and supporting documentation (e.g. receipts) are to be submitted.

Such accounts may be taxed by the county court in accordance with article 14 of the 2010 Order.

The National Assembly for Wales Referendum (Assembly Act Provisions) (Counting Officers' Accounts) Regulations 2010

Made 15 December 2010

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred by article 13(10) of the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010, make the following Regulations:

Title, application and commencement

1.—(1) The title of these Regulations is the National Assembly for Wales Referendum (Assembly Act Provisions) (Counting Officers' Accounts) Regulations 2010.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

- (a) “the 2010 Order” means the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010;
- (b) “account” means an account prepared by a counting officer⁽¹⁾ for the purpose of article 13(7) of the 2010 Order and includes an account (or part of an account) prepared for that purpose in order to account for the use of an advance made under article 13(9) of that Order; and
- (c) “Accounting Officer” means the principal accounting officer for the Welsh Ministers within the meaning of section 129(6) of the Government of Wales Act 2006.

(1) “counting officer” is defined in article 2(1) of the 2010 Order.

Address for submission of accounts

3. An account must be addressed to and submitted by the counting officer to the Local Government Democracy Team of the Welsh Assembly Government at an address notified by the Welsh Ministers.

Time for submission of accounts

4.—(1) A counting officer must submit a complete account in accordance with these Regulations within the period of 9 months commencing with the day the counting officer complies with section 128(5) of the Political Parties, Elections and Referendums Act 2000(1) in respect of the referendum.

(2) Paragraph (1) does not apply where regulation 5 applies.

Incomplete accounts

5.—(1) Where a counting officer is, for good reason, unable to comply with regulation 4, the counting officer must submit an incomplete account within the period specified in regulation 4.

(2) An incomplete account submitted under this regulation must—

- (a) be as complete as possible in the circumstances,
- (b) include a statement to the effect that it is an incomplete account,
- (c) include the reasons for the submission of an incomplete account, and
- (d) include a proposed date by which, subject to the agreement of the Accounting Officer, a complete account will be submitted.

(3) the proposed date referred to in paragraph (2)(d) must be no later than 1 month after the last day of the period specified in regulation 4.

(4) Where the Accounting Officer—

- (a) considers that the account submitted under this regulation is not as complete as possible in the circumstances,
- (b) does not accept the counting officer's reasons for the submission of the incomplete account, or
- (c) considers the proposed date referred to in paragraph (2)(d) to be unreasonable,

the Accounting Officer may require the counting officer to submit a complete account by an earlier date than the proposed date referred to in paragraph (2)(d).

(1) 2010 c. 20.

Documents to be submitted with accounts

6. An account submitted in accordance with regulation 4 or 5 must be supported by—

- (a) a receipt or other documentation in respect of each charge for services rendered and expenses incurred by the counting officer, and
- (b) a declaration, signed by the counting officer in the following terms—

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

“[Insert Welsh]”

Form and submission of accounts

7.—(1) The form in which an account must be submitted must be such that the charges in respect of each of the specified services and specified expenses are shown separately.

(2) For the purposes of paragraph (1), the specified services and specified expenses are those set out in any order made under article 13 of the 2010 Order in force at the time of the referendum, to which the charges in the account relate.

(3) An account may be submitted electronically.

Name

First Minister for Wales

Date