

**Explanatory Memorandum to the Political Parties Campaign Expenditure
(Senedd Elections) Code of Practice 2025**

This Explanatory Memorandum has been prepared by the Elections Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.14.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

13 October 2025

PART 1

Description

1. The Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 ('the Code') gives guidance as to what does or does not fall within the scope of paragraphs 1 and 2 of Part 1 of Schedule 8 to the Political Parties, Elections and Referendums Act 2000 ('PPERA 2000').
2. Those paragraphs are relevant to the definition of 'campaign expenditure' and therefore, in particular, to what expenses a political party is required to report to the Electoral Commission. Paragraph 1 lists the expenses which qualify when incurred for election purposes. Paragraph 2 lists the exclusions.

Matters of special interest to the Legislation, Justice and Constitution Committee

3. None.

Legislative background

4. The Electoral Commission has power under paragraph 3 of Schedule 8 to PERA 2000 to prepare a code of practice giving guidance as to the kinds of expenses which do or do not fall within Part 1 of that Schedule.
5. The draft Code was prepared by the Electoral Commission and submitted to the Welsh Ministers for approval. The Welsh Ministers approved the draft Code with modifications.
6. The draft Code is laid before the Senedd by the Cabinet Secretary for Housing and Local Government under paragraph 3 of Schedule 8 to PERA 2000. As the draft Code incorporates modifications, the Cabinet Secretary for Housing and Local Government has, at the same time, laid before the Senedd a statement of reasons for making those modifications.
7. The Code will follow the draft negative procedure. Unless the Senedd resolves not to approve the draft within 40 days of it being laid, the Code will be issued by the Welsh Ministers, brought into force by the Welsh Ministers by order and published by the Electoral Commission under paragraph 3 of Schedule 8 to PERA 2000.
8. The relevant functions of the Secretary of State in paragraph 3 of Schedule 8 to PERA 2000 were transferred to the Welsh Ministers by virtue of Article 45 of the Welsh Ministers (Transfer of Functions) Order 2018.

Purpose and intended effect of the legislation

9. If there is a combined regulated period in operation under Part 3 of Schedule 9 to PERA 2000, the UK election rules apply to certain elections

taking place during that period. Where that applies to an election to the Senedd, the Code does not apply.

10. The regulated period for the 2026 Senedd election begins on 7 January 2026, and ends on polling day, 7 May 2026.
11. The Code gives guidance as to what does or does not fall within the scope of paragraphs 1 and 2 of Part 1 of Schedule 8 to PPERA 2000.
12. The Code will apply to all campaign expenditure (subject to the relevant exclusions) by registered political parties who are standing candidates on a party list at a Senedd election. Any spending associated with the promotion of one, or all, of the candidates included on that list, or the party itself, will be covered by the Code.
13. Political parties must be registered with the Electoral Commission to stand candidates using party identity marks in relevant elections.
14. Section 72(2) of PPERA 2000 defines 'campaign expenditure' in relation to a registered party as '*expenses incurred by or on behalf of the party which are expenses falling within Part 1 of Schedule 8 and so incurred for election purposes.*'
15. This will apply to all spending associated with promoting any candidate standing on a party list for a registered party, or for the party itself. Part 1 of Schedule 8 to PPERA 2000 outlines the expenses which qualify where incurred 'for election purposes'. Paragraph 1 of Schedule 8 lists matters that qualify. Paragraph 2 lists the exclusions, including a general exclusion for reasonable expenses incurred that are reasonably attributable to the protection of persons or property.
16. Paragraph 2 of Schedule 8 to PPERA 2000 sets out a list of matters which are 'excluded' from being 'campaign expenditure' within the meaning of section 72 of PPERA 2000.
17. Schedule 9 to PPERA 2000 sets out the spending limits.
18. Under section 80 and 82 of PPERA 2000, political parties are required to deliver a return after an election to the Electoral Commission. The deadline for the delivery will depend on the amount that party has spent.
19. The party treasurer is responsible for incurring expenditure and completing the return. Where the party has a Campaigns Officer appointed under section 25 PPERA, they are responsible for this.
20. The party treasurer must sign a declaration that the return is, to the best of their knowledge and belief, complete and correct. It is an offence to knowingly or recklessly make a false declaration.
21. Where a party officer does not follow the Code, the party treasurer, or other

relevant officer, are likely to be in breach of the statutory requirements relating to campaign expenditure, for example the statutory requirement to deliver a complete and correct return. Breaches of the Code may also lead to a conclusion that a party treasurer knowingly or recklessly made a false declaration about the return. The commission of these offences may result in prosecution.

22. Section 79(3) PPERA provides that it is a defence for any person or registered party charged with the offence of exceeding the limit on campaign expenditure (under section 79(2) PPERA) to show that they complied with the Code in determining the items and amounts of campaign expenditure to be entered in the relevant campaign expenditure return under section 80 PPERA, and that the limit would not have been exceeded on the basis of the items and amounts entered in that return.

23. The Code applies to elections to the Senedd.

Consultation

24. The Code was prepared by the Electoral Commission following consultation with interested persons and bodies, including representatives of political parties, the Welsh Government and the Senedd Commission.

25. [Consultation on the Code of Practice for political parties at Senedd elections | Electoral Commission](#)

26. There were no changes made to the Code as a result of the consultation.

Regulatory Impact Assessment (RIA)

27. Relevant Welsh Subordinate Legislation for which a Regulatory Impact Assessment must be carried out is defined in Section 76(2)(b) of the Government of Wales Act 2006 as subordinate legislation that is made by the Welsh Ministers, the First Minister or the Counsel General and is required to be laid before the Senedd.

28. The Code has been prepared by the Electoral Commission under paragraph 3 of Schedule 8 to PPERA 2000 and has not been made by the Welsh Ministers, the First Minister or the Counsel General. As such, the Code does not satisfy the section 76 criteria and a Regulatory Impact Assessment is therefore not required.