

SL(6)698 – The Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025

Background and Purpose

The amount that can be spent on election expenses by or on behalf of individual candidates for Senedd elections is limited by the *Senedd Cymru (Representation of the People) Order 2025* (the '**2025 Order**').

Parts 1 and 2 of Schedule 7 to the 2025 Order are relevant to the definition of 'election expenses'.

The *Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025* (the '**Code**') gives guidance as to what does or does not fall within Parts 1 or 2 of Schedule 7 to the 2025 Order.

The Code does not give guidance to those candidates standing for election to the Senedd on behalf of a political party (i.e. party list candidates).

The draft Code was prepared by the Electoral Commission and submitted to the Welsh Ministers for approval. The draft was approved by the Welsh Ministers and laid before the Senedd under paragraph 20(4) of Schedule 7 to the 2025 Order.

Procedure

Draft Negative.

The Welsh Ministers have laid a draft of the Code before the Senedd. If, within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the draft being laid, the Senedd resolves not to approve the draft Code then the Welsh Ministers must not issue the Code.

If no such resolution is made, the Welsh Ministers must issue the Code in the form of the draft laid before the Senedd, the Code comes into force on the date appointed by the Welsh Ministers by order made by statutory instrument, and the Electoral Commission must arrange for the Code to be published in the manner it thinks appropriate.



Scrutiny under Standing Order 21.7

1. We note paragraph 5 of the Explanatory Memorandum which states that this version of the Code includes revisions made by the Electoral Commission to address issues identified in the withdrawn version of the Code laid on 13 October 2025 ([SL\(6\)655](#)).
2. In paragraph 1.1, there is a difference between the English and Welsh text. In the English text, it notes that *"This Code of Practice on individual candidate election expenses for Senedd elections is issued by Welsh Ministers..."*. The meaning given by the Welsh text is *"This Code of Practice is published on individual candidate election expenses for Senedd elections is issued by Welsh Ministers [...]"* which does not make sense.
3. In paragraph 1.3, the definition of "election expenses" in the English and Welsh text is different. In the English text, it notes that "'election expenses' has the meaning set out in article 65 of the 2025 Order". But in the Welsh text, it essentially duplicates the text of a separate definition for "personal expenses".
4. In paragraph 1.3, in the Welsh text, the term "election expenses" has been defined as *"treuliau etholiad"*. However, throughout the Code, there is a varying between the use of *"treuliau etholiad"* and *"treuliau etholiadol"* to express the term *"election expenses"*. This includes paragraphs 1.4 and 1.13. We note that the Welsh text of article 65 of the *Senedd Cymru (Representation of the People) Order 2025* uses the term *"treuliad etholiad"*.
5. In paragraph 1.19, in the Welsh text, *"incurring"* has been expressed by using a mutated form of the phrase *"mynd i"* which is the standardised term in the Glossary of the Welsh Government's Legislative Translation Unit. However, a different term *"ysgwyddo"* has been used elsewhere to express the meaning of "incur" in the Welsh text of the Code. Therefore, there is an inconsistency in the Welsh text of the Code. In addition, in paragraphs 1.12, 3.3, and 9.5 and the heading of section 7 of the Code, the Welsh text of the provisions of the 2025 Order which are quoted has been changed to use *"ysgwyddo"* to express "incur" rather than the forms of *"mynd i"* which are actually found in the Welsh text of those provisions of the 2025 Order.
6. In paragraph 3.1, in the Welsh text, the meaning of *"relevant"* has been expressed by using the word *"berthnasol"*. However, in the Welsh text of paragraph 3.2, the same word *"berthnasol"* is used on two occasion to express the meaning of *"applies"*. Therefore, the reader of the Welsh text will not be able to distinguish between the meaning of *"relevant"* and *"applies"* when reading the Code. In addition, there is an inconsistency throughout the Welsh text of the Code because forms of both *"perthnasol"* and *"[bod] yn gymwys"* have been used to express the meaning of *"apply"* in places. In this regard, the term *"apply"* has been fully standardised as *"bod yn gymwys"* in the Glossary of the Welsh Government's Legislative Translation Unit.



7. In paragraph 4.8, there is a difference between the English and Welsh text. In the English text, it notes "*a social media channel*" but the meaning given by the Welsh text is "*a social media channel or platform*". This also occurs later at the end of paragraph 5.9 of the Code. There is also a similar instance in paragraph 4.10 where the English text states "*a social media platform*" but the meaning given by the Welsh text is "*a social media channel or platform*". Further, in paragraph 7.3, the English text states "*a channel or platform*" but the meaning given by the Welsh text is "*a social media channel or platform*".
8. In paragraph 4.14, in the Welsh text, at the beginning of the third bullet point, the word "*pan*" is missing to express the meaning of "where" so that it should note "*pan gafodd*" (as found later in paragraph 5.13).
9. In paragraph 9.5, in the words after the first two bullet points, there is a difference between the English and Welsh text. In the English text, it notes "*where that*" but in the Welsh text it notes "*pan fo mae'r*" which does not make grammatical sense.
10. In paragraph 9.5, the term "*election period*" is used in the English text. In the Welsh text, the term is expressed by using a mutated form of "*cyfnod etholiadol*" but we note that the 2025 Order uses a form of "*cyfnod yr etholiad*". Separately, we note that the term '*election period*' is not defined in the Code, but is used in both the third and fourth bullet points of paragraph 9.5. As such, we question whether it would be useful for the reader to have this term defined by reference to article 69(6) of the 2025 Order.

Government response

A Welsh Government response is required in respect of points 2-10.

Legal Advisers

Legislation, Justice and Constitution Committee

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