

SL(6)777 – The Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026

Background and Purpose

This Order is made by the Welsh Ministers, in exercise of the powers conferred by paragraph 20(7)(b) of Schedule 7 to the Senedd Cymru (Representation of the People) Order 2025 (“the 2025 Order”).

This Order appoints 18 February 2026 as the day on which the Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025 (“Code of Practice”) comes into force.

Procedure

No procedure.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

Although this Order is not subject to a Senedd procedure, the Code of Practice follows the procedure set out in paragraph 20 of Schedule 7 to the Schedule 7 to the 2025 Order. The Order confirms that a draft of the Code of Practice was laid before the Senedd on 15 December 2025, in accordance with paragraph 20(4) of Schedule 7 to the 2025 Order.

Pursuant to paragraph 20(6) of Schedule 7 to the 2025 Order, if, within a period of 40 days (excluding periods of dissolution or recess for more than four days) beginning with the date of laying, the Senedd resolves not to approve the draft Code of Practice, the Welsh Ministers must take no further steps in relation to it.

Paragraph 20(7) of Schedule 7 to the 2025 Order provides, amongst other things, that if no such resolution is made by the Senedd within the 40 day period, the Welsh Ministers must issue the Code of Practice, which comes into force on the date appointed by the Welsh Ministers by order.

This Order was made on 12 February 2026, which appears to fall on day 39 of the 40 day period.

The preamble to the Order includes the following statements:



*“No resolution of the kind mentioned in paragraph 20(6) of Schedule 7 to the 2025 Order **was made** by Senedd Cymru within **40 days** of the draft Code of Practice being laid...*

*...The Code of Practice **was issued**, in the form of the draft laid before the Senedd, by the Welsh Ministers under paragraph 20(7)(a) of Schedule 7 to the 2025 Order...”*
[emphasis added].

The Welsh Government is therefore asked to clarify:

1. the reason for making this Order during (and not after the expiry of) the 40-day period prescribed in paragraph 20(6) of Schedule 7 to 2025 Order;
2. the date on which the Welsh Ministers issued the Code of Practice in accordance with paragraph 20 of Schedule 7 to the 2025 Order; and, accordingly,
3. whether the Welsh Ministers are satisfied that the requirements of the 2025 Order have been complied with in the making of the Code of Practice.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

3 March 2026

