SCHEDULES

SCHEDULE 3

REGULATION OF EXPENDITURE

PART 4

MEANING OF "PETITION EXPENSE"

Meaning of "petition expense"

13 (1) For the purposes of this Schedule an expense is a "petition expense" if—

(a) it is incurred with a view to, or otherwise in connection with, promoting or procuring the success or failure of a recall petition,

(b) it is incurred in respect of a matter listed in paragraph 14,

(c) it is not incurred in respect of a matter listed in paragraph 15, and

(d) it is not a relevant personal expense of an individual ("P") that is paid by P from P's own resources and is not reimbursed to P.

(2) For the purposes of sub-paragraph (1)(d) an expense is a "relevant personal expense" of P if it is incurred in respect of—

(a) transport for P (by any means),

(b) accommodation for P, or

(c) other personal needs of P.

List of matters

14 (1) The matters referred to in paragraph 13(1)(b) are as follows.

(2) Advertising of any nature (whatever the medium used).

Expenses incurred in respect of this matter include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).

(3) Unsolicited material addressed to persons entitled to sign the recall petition (whether addressed to them by name or intended for delivery to households within any particular area).

(4) Transport (by any means) of persons to any place.

(5) Public meetings (of any kind).

Expenses incurred in respect of this matter include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.

(6) The services of a responsible person in relation to an accredited campaigner, or of any other person engaged in connection with promoting or procuring the success or failure of the recall petition.

(7) Accommodation and administrative costs.

General exclusions

15 (1) The matters referred to in paragraph 13(1)(c) are as follows.

(2) The publication of any matter, other than an advertisement, relating to the recall petition in—

(a) a newspaper or periodical,

(b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or

(c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996.

(3) The provision by an individual of his or her own services where the services are provided voluntarily in his or her own time and free of charge.

(4) The provision by an individual of accommodation which is his or her sole or main residence if the provision is made free of charge.

(5) The provision by an individual of transport if the means of transport was acquired by him or her principally for his or her personal use and the provision is made free of charge.

(6) The provision by an individual of computing or printing equipment if the equipment was acquired by him or her principally for his or her personal use and the provision is made free of charge.

Guidance

16 (1) The Electoral Commission ("the Commission") may prepare, and from time to time revise, a code of practice giving—

(a) guidance as to the cases or circumstances in which expenses are, or are not, within paragraph 13(1)(a);

(b) guidance as to the matters which are, or are not, within paragraph 14 or 15.

(2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Minister for approval.

(3) The Minister may approve a draft code either without modification or with such modifications as the Minister may determine.

(4) Once the Minister has approved a draft code, the Minister must lay before Parliament—

(a) a copy of the draft, incorporating any modifications determined under sub-paragraph (3), and

(b) if the draft incorporates any such modifications, a statement of the Minister's reasons for making them.

(5) If, within the 40-day period, either House of Parliament resolves not to approve the draft, neither the Minister nor the Commission are to take any further step in relation to the draft code.

(6) If no such resolution is made within the 40-day period—

(a) the Commission must arrange for the code to be published, in such manner as they think appropriate, and

(b) the code comes into force on such date as the Minister may by regulations appoint.

(7) Sub-paragraph (5) does not prevent a new draft code from being laid before Parliament.

(8) In this paragraph "the 40-day period", in relation to a draft code, means—

(a) if the draft is laid before the two Houses of Parliament on different days, the period of 40 days beginning with the later of the two days, and

(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House.

For that purpose, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

(9) In this paragraph references to a draft code include a revised draft code.