



# Electoral Administration Act 2006

## 2006 CHAPTER 22

### PART 6

#### CONDUCT OF ELECTIONS ETC.

##### *Election expenses*

#### **25 Amount of expenses which may be incurred by third party**

- (1) Section 75 of the 1983 Act (prohibition of expenses not authorised by election agent) is amended as follows.
- (2) In subsection (1)—
  - (a) after “be incurred” insert “ after he becomes a candidate at that election ”;
  - (b) omit from “but paragraph (c) or (d) of” to the end.
- (3) After subsection (1) insert—

“(1ZZA) Paragraph (c) or (d) of subsection (1) above does not restrict the publication of any matter relating to the election in—

  - (a) a newspaper or other 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.

(1ZZB) Subsection (1) above does not apply to any expenses incurred by any person—

  - (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action), or
  - (b) in travelling or in living away from home or similar personal expenses.”
- (4) In subsection (1ZA) for “subsection (1)(ii)” in each place where it occurs substitute “ subsection (1ZZB)(a) ”.

*Status: Point in time view as at 01/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Electoral Administration Act 2006, Cross Heading: Election expenses. (See end of Document for details)*

(5) After subsection (7) insert—

“(8) For the purposes of subsection (1), expenditure incurred before the date when a person becomes a candidate at the election is to be treated as having been incurred after that date if it is incurred in connection with any thing which is used or takes place after that date.”

(6) The amendments made by this section (except subsections (2)(a) and (5)) must be taken to have had effect from 16 February 2001 (the date of coming into force of section 131 of the 2000 Act).

(7) This section does not apply to local government elections in Scotland (within the meaning of the 1983 Act).

#### Commencement Information

- II** S. 25 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 4 (subject to transitional provisions in Sch. 2)

## 26 Return as to election expenses

(1) In section 81 of the 1983 Act (returns as to election expenses), omit subsection (3) and insert—

“(3A) The return shall also contain as respects that candidate—

- (a) a statement relating to such other expenses in connection with which provision is made by this Part as the Electoral Commission provide in regulations;
- (b) a statement relating to such claims (whether paid, unpaid or disputed) in connection with such election expenses or such other expenses mentioned in paragraph (a) as the Electoral Commission so provide;
- (c) a statement relating to such other matters as is prescribed.”

(2) This section does not apply to local government elections in Scotland (within the meaning of the 1983 Act).

#### Commencement Information

- I2** S. 26 wholly in force at 1.7.2008; s. 26 not in force at Royal Assent see s. 77; s. 26 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1, para. 14(l) (subject to Sch. 2); s. 26 in force at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(i)

## 27 Meaning of election expenses for purposes of the 1983 Act

(1) The 1983 Act is amended as follows.

(2) After section 90 (election expenses at elections where election agent not required) insert—

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### **“90ZA Meaning of “election expenses”**

- (1) In this Part of this Act “election expenses” in relation to a candidate at an election means (subject to subsection (2) below and section 90C below) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 4A which is used for the purposes of the candidate's election after the date when he becomes a candidate at the election.
  - (2) No election expenses are to be regarded as incurred by virtue of subsection (1) above or section 90C below in respect of any matter specified in Part 2 of Schedule 4A.
  - (3) In this section and in section 90C below, “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.
  - (4) For the purposes of this Part of this Act, election expenses are incurred by or on behalf of a candidate at an election if they are incurred —
    - (a) by the candidate or his election agent, or
    - (b) by any person authorised by the candidate or his election agent to incur expenses.
  - (5) In this Part of this Act, any reference to election expenses incurred by or on behalf of a candidate at an election includes expenses—
    - (a) which are incurred as mentioned in subsection (1) above before the date when he becomes a candidate at the election, but
    - (b) which by virtue of that subsection fall to be regarded as election expenses.
  - (6) In this Part and in Part 3 of this Act, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.
  - (7) Schedule 4A has effect.
  - (8) This section does not apply to a local government election in Scotland.”
- (3) Omit sections 90A and 90B.
  - (4) The repeal of sections 90A and 90B by subsection (3) does not extend to those sections as they apply to local government elections in Scotland (within the meaning of the 1983 Act).
  - (5) After Schedule 4 (election expenses at certain local elections in England and Wales) insert—

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## “SCHEDULE 4A

Section 90ZA

### ELECTION EXPENSES

#### PART 1

##### LIST OF MATTERS

- 1 Advertising of any nature (whatever the medium used). Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- 2 Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area). Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- 3 Transport (by any means) of persons to any place. Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.
- 4 Public meetings (of any kind). Expenses in respect of such meetings 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.
- 5 The services of an election agent or any other person whose services are engaged in connection with the candidate's election.
- 6 Accommodation and administrative costs.

#### PART 2

##### GENERAL EXCLUSIONS

- 7 The payment of any deposit required by rule 9 of Schedule 1 to this Act.
- 8 The publication of any matter, other than an advertisement, relating to the election in—
  - (a) a newspaper or periodical;
  - (b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru;
  - (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.
- 9 The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act other than facilities in respect of which expenses fall to be defrayed by virtue of sections 95(4) and 96(4) above.
- 10 The provision by an individual of his own services which he provides voluntarily in his own time and free of charge.

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- 11 (1) Accommodation which is the candidate's sole or main residence.
- (2) The provision by any other individual of accommodation which is his sole or main residence if the provision is made free of charge.
- 12 (1) Transport by a means of transport which was acquired by the candidate principally for his own personal use.
- (2) Transport provided free of charge by any other individual if the means of transport was acquired by him principally for his own personal use.
- 13 (1) Computing or printing equipment which was acquired by the candidate principally for his own personal use.
- (2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his own personal use if the provision is made free of charge.

### PART 3

#### SUPPLEMENTAL

##### *Guidance by Commission*

- 14 (1) The Electoral Commission (“the Commission”) may prepare, and from time to time revise, a code of practice giving guidance as to the matters which do, or do not, fall within Part 1 or 2 of this Schedule.
- (2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Secretary of State for his approval.
- (3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.
- (4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—
  - (a) in its original form, or
  - (b) in a form which incorporates any modifications determined under sub-paragraph (3),before each House of Parliament.
- (5) If the draft incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of his reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
  - (a) the Secretary of State must issue the code in the form of the draft laid before Parliament, and
  - (b) the code is to come into force on such date as the Secretary of State may by order appoint,

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and the Commission must arrange for it to be published in such manner as they think appropriate.

- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.
- (9) In this paragraph, “the 40-day period”, in relation to a draft code, means—
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, 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,
- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) In this paragraph references to a draft code include a revised draft code.

*Power to amend Parts 1 and 2*

- 15 (1) The Secretary of State may by order made by statutory instrument make such amendments of Part 1 or 2 of this Schedule as he considers appropriate.
- (2) An order under sub-paragraph (1) shall not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (3) The Secretary of State may make such an order either—
- (a) where the order gives effect to a recommendation of the Electoral Commission; or
  - (b) after consultation with the Electoral Commission.”

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**Commencement Information**

**I3** S. 27 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 5 (subject to transitional provisions in Sch. 2)

**Status:**

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