

2023 No. 1235

NATIONAL ELECTION EXPENDITURE

POLITICAL PARTIES

REFERENDUMS

REPRESENTATION OF THE PEOPLE

**The Representation of the People (Variation of Election
Expenses, Expenditure Limits and Donation etc. Thresholds)
Order 2023**

Made - - - - *20th November 2023*

Coming into force in accordance with articles 1(2) and (3)

The Secretary of State, considering it expedient in consequence of changes in the value of money, makes this Order in exercise of the powers conferred by section 76A(1)(a) and (2)(d) and (e) of the Representation of the People Act 1983(a) and sections 155(1) and (2)(a) and 156(5) of the Political Parties, Elections and Referendums Act 2000(b).

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Representation of the People (Variation of Election Expenses, Expenditure Limits and Donation etc. Thresholds) Order 2023.

(2) Subject to paragraph (3), this Order comes into force on the day after the day on which it is made.

(3) Article 4(1), (2), (3)(a), (c), (e), (f) and (h) and (4) comes into force on 1st January 2024.

(4) An amendment made by this Order has the same extent as the provision amended.

(5) In this Order—

“the 1983 Act” means the Representation of the People Act 1983;

“PPERA” means the Political Parties, Elections and Referendums Act 2000.

Variation of limits on candidate election expenses

2.—(1) The 1983 Act is amended as follows.

(a) 1983 c. 2; section 76A was inserted by section 14 of the Representation of the People Act 1985 (c. 50), further substituted by section 133(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) and amended by paragraph 6 of Schedule 6 to the Political Parties and Elections Act 2009 (c. 12) (“the 2009 Act”).

(b) 2000 c. 41; sections 155 and 156 were amended by section 7 of the Scotland Act 2016 (c. 11).

(2) In section 76 (limitation of election expenses)(a), in subsection (2)—

- (a) in paragraph (a)(i)—
 - (i) for “£8,700” substitute “£11,390”;
 - (ii) for “9p” substitute “12p”;
- (b) in paragraph (a)(ii)—
 - (i) for “£8,700” substitute “£11,390”;
 - (ii) for “6p” substitute “8p”;
- (c) in paragraph (aa), for “£100,000” substitute “£180,050”;
- (d) in paragraph (b)(ib)—
 - (i) for “£806” substitute “£960”;
 - (ii) for “7p” substitute “8p”.

(3) In section 76ZA (limitation of pre-candidacy election expenses for certain general elections)(b), in subsection (2)—

- (a) in paragraph (a)—
 - (i) for “£30,700” substitute “£40,220”;
 - (ii) for “9p” substitute “12p”;
- (b) in paragraph (b)—
 - (i) for “£30,700” substitute “£40,220”;
 - (ii) for “6p” substitute “8p”.

Variation of limits on campaign expenditure

3. In Schedule 9 to PPERA (limits on campaign expenditure)—

- (a) in paragraph 3 (parliamentary general elections)—
 - (i) in sub-paragraph (2)(a), for “£30,000” substitute “£54,010”;
 - (ii) in sub-paragraph (3)—
 - (aa) in paragraph (a), for “£810,000” substitute “£1,458,440”;
 - (bb) in paragraph (b), for “£120,000” substitute “£216,060”;
 - (cc) in paragraph (c), for “£60,000” substitute “£108,030”;
 - (iii) in sub-paragraph (4), for “£30,000” substitute “£54,010”;
- (b) in paragraph 7 (general elections to Northern Ireland Assembly), in sub-paragraph (2), for “£17,000” substitute “£30,600”.

Variation of reporting thresholds for donations and regulated transactions

4.—(1) PPERA is amended as follows.

(2) In the following provisions, for “£1,500” substitute “£2,230”—

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- (a) Section 76(2) was amended by Schedule 17 to the Local Government Act 1985 (c. 51), by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40), by section 6(1)(a) of the Representation of the People Act 1989 (c. 28), by paragraph 20 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), by paragraph 18 of Schedule 1 and Part 1 of Schedule 7 to the Representation of the People Act 2000 (c. 2), by section 132(5) and (6) of the Political Parties, Elections and Referendums Act 2000 (c. 41) (which was amended by section 18 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp. 14) and by S.I. 2014/1870, 2020/1634, 2021/310, 1285. The reference in subsection (2) to a borough constituency has effect, in its application to Scotland, as a reference to a burgh constituency by virtue of section 204(2).
 - (b) Section 76ZA was inserted by section 21(1) of the 2009 Act. Subsection (2) was amended by S.I. 2014/1870. The reference in subsection (2) to a borough constituency has effect, in its application to Scotland, as a reference to a burgh constituency by virtue of section 204(2).

- (a) in section 62 (quarterly donation reports)(a), subsections (6A)(a) and (b), (7)(b) and (11)(b);
 - (b) in section 71M (quarterly reports of regulated transactions)(b), subsections (7)(a) and (b), (8)(b) and (11)(b);
 - (c) in Schedule 7 (control of donations to individuals and members associations), in paragraph 10 (donation reports: donations from permissible donors)(c), sub-paragraphs (1A)(a) and (b) and (2)(b);
 - (d) in Schedule 7A (control of loans etc. to individuals and members associations), in paragraph 9 (transaction reports: transactions with authorised participants)(d), sub-paragraphs (2)(a) and (b) and (7)(b);
 - (e) in Schedule 19A (reports of gifts received by unincorporated associations making political contributions), in paragraph 2 (requirement to report gifts received to Commission)(e), sub-paragraph (6)(b).
- (3) In the following provisions, for “£7,500” in each place substitute “£11,180”—
- (a) in section 62, subsections (4)(a) and (b), (5)(b) and (11)(b);
 - (b) in section 63 (weekly donation reports during general election periods)(f), subsection (3);
 - (c) in section 71M, subsections (4)(a) and (b), (5)(b) and (11)(b);
 - (d) in section 71Q (weekly transaction reports during general election periods)(g), subsection (3);
 - (e) in Schedule 7, in paragraph 10, sub-paragraphs (1A)(a) and (b) and (2)(b);
 - (f) in Schedule 7A, in paragraph 9, sub-paragraphs (2)(a) and (b) and (7)(b);
 - (g) in Schedule 15 (control of donations to permitted participants), in paragraph 10 (donations from permissible donors)(h), sub-paragraph (2)(a);
 - (h) in Schedule 19A, in paragraph 2, sub-paragraphs (2)(a), (3)(a), (4)(a), (5) and (6).
- (4) In the following provisions in Schedule 19A, for “£25,000” substitute “£37,270”—
- (a) the italic heading before paragraph 1 (requirement to notify Commission of political contributions over £25,000);
 - (b) paragraph 1(1)(a) and (b).

Transitional provision

5.—(1) Paragraph (2) applies where a relevant period begins before, and ends on or after, the commencement date.

(2) Where this paragraph applies, for the purposes of paragraph 3 or 7 of Schedule 9 to PPERA(i)—

- (a) the limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the part of the relevant period before the commencement date is that limit calculated in accordance with paragraph 3 or 7 of Schedule 9 to PPERA as that paragraph was immediately before the commencement date;

(a) Section 62 was amended by paragraph 148 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) (“the 2006 Act”) and by section 20(2) and (3) of the 2009 Act.

(b) Section 71M was inserted by section 61(1) of the 2006 Act and amended by section 20(2) and (3) of the 2009 Act.

(c) Sub-paragraph (1A) was inserted, and sub-paragraph (2) substituted, by paragraph 154(5) of Schedule 1 to the 2006 Act and amended by section 20(2) and (3) of the 2009 Act.

(d) Schedule 7A was inserted by paragraph 99 of Schedule 1 to the 2006 Act. Paragraph 9(2) and (7) was amended by section 20(2) and (3) of the 2009 Act.

(e) Schedule 19A was inserted by Schedule 5 to the 2009 Act.

(f) Section 63(3) was amended by section 20(3) of the 2009 Act.

(g) Section 71Q was inserted by section 61(1) of the 2006 Act and amended by section 20(3) of the 2009 Act.

(h) Paragraph 10(2)(a) was amended by section 20(3) of the 2009 Act.

(i) Paragraph 7 was amended by section 64(4) of the 2006 Act.

(b) the limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period is that limit calculated in accordance with paragraph 3 or 7 of Schedule 9 to PPERA as amended by article 3.

(3) In paragraphs (1) and (2)—

“the commencement date” means the date on which article 3 comes into force;

“the relevant period” has the same meaning as in paragraph 3(7) or 7(3) or (5) of Schedule 9 to PPERA (as the case may be).

(4) Paragraph (5) applies where an unincorporated association is required to notify the Commission in accordance with paragraph 1 of Schedule 19A(a) as a result of a political contribution made during the period beginning on 1st October 2023 and ending on 31st December 2023.

(5) Where this paragraph applies, the amendments made by article 4(2)(e) and (3)(h) do not apply in respect of the unincorporated association—

(a) for the purposes of paragraph 2(2) of Schedule 19A;

(b) for the purposes of paragraph 2(3) of Schedule 19A, in relation to any gift received before 1st January 2024.

(6) The amendments made by article 4(2)(e) and (3)(h) do not apply for the purposes of paragraph 2(3) and (4) of Schedule 19A in respect of any report for the quarter ending 31st December 2023.

(7) In paragraphs (4) to (6)—

“Schedule 19A” means Schedule 19A to PPERA;

“gift” has the meaning given in paragraph 9(1) and (2) of Schedule 19A;

“political contribution” has the meaning given in paragraph 1(2) of Schedule 19A.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

20th November 2023

Jacob Young
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of this Order)

This Order increases candidate election expense limits and registered party expenditure limits for UK parliamentary elections, Northern Ireland Assembly elections and local government elections in England to take into account inflation since the limits were set. The limits have been increased by 80.06%, 80.06% and 31.03% respectively. The Order also increases several political donation reporting thresholds by 49.09%. Percentages here have been rounded to 2 decimal places. The calculated figures have been rounded down to the nearest £10. The extent of the increases also reflect the passage of time since the figures were set.

Article 2 increases the expenses limits for candidates in UK parliamentary general elections, known as the short campaign and the long campaign. Separate spending limits apply in each of these periods. It also increases the fixed limit for candidates in parliamentary by-elections and in local government elections in England.

Article 3 increases the campaign expenditure limits for registered parties for relevant periods in UK parliamentary general elections and Northern Ireland Assembly elections.

(a) Paragraph 1 was amended by paragraph 7 of Schedule 6 to the Recall of MPs Act 2015 (c. 25).

Article 4 increases the thresholds for the reporting of regulated donations (and/or transactions as the case may be) for registered parties, regulated donees and permitted participants (in the context of referendums under Part 7 of the Political Parties, Elections and Referendums Act 2000 (c. 41)).

Article 5 makes a transitional provision so that certain existing campaign expenditure limits in the Political Parties, Elections and Referendums Act 2000 apply to any expenditure during a relevant period prior to the coming into force of article 3, while the new campaign expenditure limits (as provided for by that article) apply to expenditure during the whole of that relevant period which begins before but ends on or after that coming into force date.

In addition, article 5 makes a transitional provision so that, where a political contribution triggers the notification requirement for the reporting of gifts received by the association to the Electoral Commission between 31st October 2023 and 31st December 2023, the reporting thresholds as provided for by article 4 do not apply to gifts received up to and including 31st December 2023, even if reported after that date. It also provides that the new thresholds do not apply for the purposes of reporting in relation to the quarter ending on 31st October 2023.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

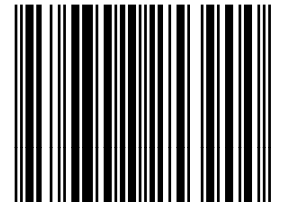
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