

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in relation to the referendum in Wales that will be held in accordance with the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010. This referendum is about the question of whether the “Assembly Act” provisions in Part 4 of the Government of Wales Act 2006 should be brought into force, (“the Welsh referendum”).

This Order extends the time period during which applications can be made to the Electoral Commission by permitted participants in the Welsh referendum campaign to become a designated organisation under section 108 of the Political Parties, Elections and Referendums Act 2000 (“the 2000 Act”), sets limits for the expenditure of different categories of permitted participants in that campaign and makes clear that media coverage of the referendum campaign is not regarded as referendum expenses for the purposes of Part 7 of the 2000 Act.

Article 3 extends the period during which an individual or body, which has notified the Electoral Commission that it wishes to be registered as a permitted participant in the Welsh referendum campaign may apply to become a designated organisation receiving financial assistance under sections 108 and 110 of the 2000 Act, from 28 days from the beginning of the referendum campaign to 35 days.

Article 4 sets out in the table the limit on referendum expenses for each category of permitted participant, including designated organisations, registered political parties and other permitted participants. These limits will apply only if registered political parties notify the Electoral Commission that they will be permitted participants in the referendum in accordance with section 105 of the 2000 Act. The limits are based on the share of the votes cast in the Assembly election in 2007 for registered political parties in relation to both candidates in the constituency elections and registered parties in the electoral region elections. In both cases the relevant percentage is arrived at by combining the percentage of the total votes cast in the constituency elections for candidates of a registered political party with the percentage of votes cast in the electoral region elections for the same parties and then by weighting those percentages to reflect the composition of the Assembly itself, so that the constituency vote percentage is two thirds, and the electoral region percentage one third, of the total relevant percentage.

Article 5 states that Schedule 13 of PPERA takes effect in relation to the Welsh referendum as if an additional exclusion had been inserted into Part 1; this makes explicit that the expenses of producing articles in the print media or items or programmes in the broadcast media are not regarded as referendum expenses and so do not require the publishers or producers of such material to register as permitted participants under Part 7 of the 2000 Act.

No regulatory impact assessment has been carried out for this instrument as it has no significant impact on the costs of business, charities, voluntary bodies or the public sector.