

SCHEDULES

SCHEDULE 7

Article 50

Candidate 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 the PCC elections rules.

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(1) or Part 1 or 2 of the Broadcasting Act 1996(2).

9. The preparation and submission of a candidate's election address in accordance with article 52.

10. The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Order other than facilities in respect of which expenses fall to be defrayed by virtue of article 56(4).

11. The provision by an individual of his or her own services which the individual provides voluntarily in his or her own time and free of charge.

12.—(1) Accommodation which is the candidate's sole or main residence.

(2) The provision by any other individual of accommodation which is the individual's sole or main residence if the provision is made free of charge.

13.—(1) Transport by a means of transport which was acquired by the candidate principally for the candidate's own personal use.

(2) Transport provided free of charge by any other individual if the means of transport was acquired by the individual principally for the individual's own personal use.

14.—(1) Computing or printing equipment which was acquired by the candidate principally for the candidate's own personal use.

(2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for the individual's own personal use if the provision is made free of charge.

PART 3

Supplemental

15.—(1) The Commission may prepare, and from time to time revise, a code of practice giving—

- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
- (b) guidance (supplementing the definition in article 50) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.

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

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

(4) Once the Secretary of State has approved a draft code, the Secretary of State must 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 the reasons for making them.

(1) 1990 c.42.

(2) 1996 c.55.

(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, 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.

(10) For the purposes of calculating the 40-day period, 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 four days.

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

Power to amend Parts 1 and 2

16.—(1) The Secretary of State may by order made by statutory instrument make such amendments of Part 1 or 2 of this Schedule as the Secretary of State considers appropriate.

(2) Any order under sub-paragraph (1) may not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

(3) The Secretary of State may make an order under sub-paragraph (1) either—

(a) where the order gives effect to a recommendation of the Commission, or

(b) after consultation with the Commission.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946⁽³⁾ (definition of “Statutory Instrument”), the power to make an order which is conferred by sub-paragraph (1) is to be taken to be conferred by an Act of Parliament.

(3) 1946 9&10 Geo.6 (c.36).