

Draft Regulations laid before Parliament under section 76(2B) of, and paragraph 15(2) of Schedule 4A to, the Representation of the People Act 1983, section 105(6) of the Local Government Act 2000, section 156(4)(j) and (ja) of the Political Parties, Elections and Referendums Act 2000, section 154(2)(b) of the Police Reform and Social Responsibility Act 2011 and paragraph 16(2) of Schedule 7 to the Police and Crime Commissioners Elections Order 2012 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No. [000]

LOCAL GOVERNMENT, ENGLAND

LONDON GOVERNMENT

NATIONAL ELECTION EXPENDITURE

POLICE, ENGLAND AND WALES

POLITICAL PARTIES

REPRESENTATION OF THE PEOPLE

The Representation of the People (Variation of Election Expenses and Exclusions) Regulations 2024

Made - - - - *******

Coming into force *******

The Secretary of State makes the following Regulations—

- (a) considering it expedient in consequence of changes in the value of money, in exercise of the powers conferred by section 9HE(1)(a), (2)(c) and (3) of the Local Government Act 2000(a) (“LGA 2000”);
- (b) otherwise, in exercise of the powers conferred by section 76(2A) of, and paragraph 15(1) of Schedule 4A to, the Representation of the People Act 1983(b) (“the 1983 Act”), section 105(2)(a) of the LGA 2000, paragraph 4(1) of Schedule 8 and paragraph 4(1) of Schedule 8A to the Political Parties, Elections and Referendums Act 2000(c) (“PPERA”),

(a) 2000 c. 22. Section 9HE was inserted by the Localism Act 2011 (c. 20), Schedule 2, paragraph 1 and was amended by S.I. 2013/2597, 2021/1265.

(b) Section 76(2A) was inserted by section 17 of the Greater London Authority Act 1999 (c. 29). Schedule 4A was inserted by section 27(5) of the Electoral Administration Act 2006 (c. 22), and amended by S.I. 2019/352, 2020/1320 (W. 291).

(c) 2000 c. 41. Schedule 8A was inserted by Schedule 3 to the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 (c. 4).

section 58(1)(a) and (2)(d) of the Police Reform and Social Responsibility Act 2011^(a) (“PRSRA 2011”) and paragraph 16(1) of Schedule 7 to the Police and Crime Commissioners Elections Order 2012^(b) (“the 2012 Order”).

The Secretary of State has consulted the Electoral Commission in accordance with paragraph 15(3)(b) of Schedule 4A to the 1983 Act, section 9HE(4) of the LGA 2000, section 7(1) and (2)(hc)(e) of, and paragraph 4(2)(b) of Schedule 8 and paragraph 4(2)(b) of Schedule 8A to, PPERA, and paragraph 16(3)(b) of Schedule 7 to the 2012 Order.

A draft of these Regulations has been laid before and approved by a resolution of each House of Parliament, in accordance with section 76(2B) of, and paragraph 15(2) of Schedule 4A to, the 1983 Act, section 105(6) of the LGA 2000^(d), section 156(4)(j) and (ja) of PPERA^(e), section 154(2)(b) of the PRSRA 2011, and paragraph 16(2) of Schedule 7 to the 2012 Order.

Citation, commencement and extent

1.—(1) These Regulations —

- (a) may be cited as the Representation of the People (Variation of Election Expenses and Exclusions) Regulations 2024, and
- (b) come into force on the day after the day on which they are made.

(2) Subject to paragraph (3) an amendment made by these Regulations has the same extent as the provision amended.

(3) In regulation 4(2)(a) —

- (a) paragraph (i) extends to Scotland and Northern Ireland;
- (b) paragraph (ii) extends to England and Wales;
- (c) paragraph (iii) extends to England and Wales, Scotland and Northern Ireland.

Variation of candidates’ and agents’ expenses limit at a Greater London Authority election

2. In article 3 of the Greater London Authority Elections (Expenses) Order 2000 (candidates’ and agents’ expenses)^(f)—

- (a) in paragraph (a) for “£420,000” substitute “£760,410”;
- (b) in paragraph (b) for “£35,000” substitute “£63,360”;
- (c) in paragraph (c) for “£330,000” substitute “£597,460”;
- (d) in paragraph (d) for “£330,000” substitute “£597,460”.

Variation of expenses limit at a local authority mayoral election in England

3. In Schedule 2 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (modifications of Acts and statutory instrument)^(g) in Table 1 (Representation of the People Act 1983) in the entry for section 76 (limitation of election expenses) for the text in column 2, substitute—

“For subsection (2) substitute—

(a) 2011 c. 13, amended by S.I. 2021/1265.
(b) S.I. 2012/1917; relevant amending instruments are S.I. 2020/190, 2021/1265.
(c) Paragraph (hc) was inserted by the Police Reform and Social Responsibility Act 2011, Schedule 10, paragraph 11.
(d) Section 105(6) was amended by the Local Government Act 2003 (c. 26), Schedule 3, paragraph 14, by the Localism Act 2011 (c. 20), Schedule 3, paragraph 70 and Schedule 4, paragraph 52 and by S.I. 2018/644
(e) Paragraph (ja) was inserted by the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4), section 26(13).
(f) S.I. 2000/789.
(g) S.I. 2007/1024, to which there are amendments not relevant to these Regulations.

“(2) That maximum amount is—

- (a) for mayoral elections in England, £3,040 together with an additional 8p for every entry in the register of electors to be used at the election;
- (b) for mayoral elections in Wales, £2,362 together with an additional 5.9p for every entry in the register of electors to be used at the election.”.

Security exclusion in respect of qualifying expenses for candidates, political parties and third parties

4.—(1) In Schedule 4A to the Representation of the People Act 1983 (election expenses), after paragraph 13, insert—

“**13A.** Except in relation to a local government election in Wales, the protection of persons or property, to the extent that the expenses are reasonably incurred and are reasonably attributable to the protection of persons or property.”.

(2) The Political Parties, Elections and Referendums Act 2000 is amended as follows—

(a) in Schedule 8 (campaign expenditure: qualifying expenses), in paragraph 2(1)(a)—

- (i) in paragraph (d) as it extends to Scotland and Northern Ireland, omit “or” at the end;
- (ii) in paragraph (e) as it extends to England and Wales, omit “or” at the end;

(iii) after paragraph (e), insert—

“(ea) in relation to an election for the purposes of which a limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 9 (limits for periods relating to parliamentary general elections or general elections to the Northern Ireland Assembly), reasonable expenses incurred that are reasonably attributable to the protection of persons or property; ”;

(b) in Schedule 8A (controlled expenditure: qualifying expenses), in paragraph 2(1), after paragraph (e) insert—

“(f) in relation to an election for the purposes of which a limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (limits for periods relating to parliamentary general elections or general elections to the Northern Ireland Assembly), reasonable expenses incurred that are reasonably attributable to the protection of persons or property.”.

(3) In Schedule 7 to the Police and Crime Commissioner Elections Order 2012 (candidate election expenses), after paragraph 14 insert—

“**14A.** The protection of persons and property, to the extent that expenses are reasonably incurred and are reasonably attributable to the protection of persons or property.”.

Removal of permitted sum and candidate election expenses limits where PCC functions have transferred to mayors of combined authorities

5. In Table 1 of article 34(4) and Table 2 of article 35(2) of the Police and Crime Commissioner Elections Order 2012, omit the entries for “Greater Manchester”, “North Yorkshire” and “West Yorkshire”.

Transitional provision for ongoing Authority and local authority mayoral elections

6.—(1) This regulation applies where a person becomes a candidate(b) before the commencement date for an Authority election(c) or a local authority mayoral election for which the day of poll is on or after the commencement date.

(a) Paragraph 2 was amended by S.I. 2004/366, 2018/1310, 2020/1320 (W.291) and S.S.I. 2020/426.

(b) See section 118A of the Representation of the People Act 1983 (c. 2) for the meaning of “candidate”.

(c) See section 203(1) of the Representation of the People Act 1983 for the meaning of “Authority election”.

(2) Where this regulation applies, for the purposes of section 76 of the Representation of the People Act 1983 (including that section as applied by, and as it has effect for the purposes of, regulation 3 and Schedule 2 to the 2007 Regulations) the “maximum amount” is the new limit, but election expenses^(a) incurred by or on behalf of the candidate before the commencement date must not exceed the pre-existing limit.

(3) In this regulation—

“the 2007 Regulations” means the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007;

“the commencement date” means the date on which these Regulations come into force;

“expenses limit” means the maximum amount of election expenses specified (as the case may be)—

(a) in article 3 of the Greater London Authority Elections (Expenses) Order 2000, or

(b) in section 76 of the Representation of the People Act 1983, as modified by Schedule 2 to the 2007 Regulations;

“local authority mayoral election” means an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000^(b);

“new limit” means the expenses limit as amended by regulation 2 or 3;

“pre-existing limit” means the expenses limit as it has effect immediately before the commencement date.

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

Name

Parliamentary Under Secretary of State

Date

Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations increase the maximum amount of election expenses which may be incurred by candidates at Greater London Authority and local authority mayoral elections in England to take account of inflation. This is an 81.05% increase (rounded to 2 decimal places) in the figures for Greater London Authority elections and 29.09% (rounded to 2 decimal places) in the figures for local authority mayoral elections. The calculated figures have been rounded down to the nearest £10. The extent of the increases also reflects the passage of time since the figures were set. The new maximum amount for local authority mayoral elections aligns with the new maximum amount for combined authority mayoral elections and combined county authority mayoral elections set out in the Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2024.

Regulation 4 inserts a general exclusion for reasonable expenses incurred in providing for the personal security and property of candidates, political parties and third parties (non-party campaigners) for elections, other than at certain elections in Scotland and Wales. As a result of this exclusion, expenses that are reasonably incurred in relation to the security of individual persons or property (including data) is not a qualifying expense in respect of election expenses or campaign expenditure limits. Where expenses are incurred for more than one purpose, the exclusion only applies to the amount of those expenses reasonably attributable to that security related purpose.

Regulation 5 removes the police areas of Greater Manchester, North Yorkshire and West Yorkshire from the tables in articles 34(4) and 35(2) of the Police and Crime Commissioner

(a) See section 90ZA of the Representation of the People Act 1983, including as modified by section 90D of that Act, for the meaning of “election expenses”.

(b) Section 9H was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20).

Elections Order (S.I. 2012/1970). The police and crime functions for Greater Manchester, North Yorkshire and West Yorkshire have been transferred to the relevant mayor. Consequently, it is no longer necessary to include these police areas in the table.

Regulation 6 provides a transitional provision so that the pre-existing maximum amount, in relation to Authority elections and local authority mayoral elections, applies to expenses incurred prior to the coming into force of these Regulations and the new maximum amount applies to all expenses incurred during the period for which candidate election expenses limits apply (whether incurred before or after the coming into force of these Regulations).

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

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