



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART II

#### THE ELECTION CAMPAIGN

##### *Election expenses*

#### **[<sup>F1</sup>90C Property, goods, services etc. provided free of charge or at a discount.**

- (1) This section applies where, in the case of a candidate at an election—
- (a) either—
    - (i) property or goods is or are transferred to the candidate or his election agent free of charge or at a discount of more than 10 per cent. of the market value of the property or goods, or
    - (ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and
  - (b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.

[ For the purposes of subsection (1)(b), except as it applies in relation to an election <sup>F2</sup>(1A) in Scotland or Wales under the local government Act, property, goods, services or facilities are made use of on behalf of a candidate only if their use on behalf of the candidate is directed, authorised or encouraged by the candidate or the candidate's election agent.]

- (2) Where this section applies—
- (a) an amount of election expenses determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part of this Act, as incurred by the candidate, and

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(b) the candidate’s election agent shall make a declaration of that amount, unless that amount is not more than £50.

This subsection has effect subject to [F3Part 2 of Schedule 4A to this Act] .

(3) Where subsection (1)(a)(i) above applies, the appropriate amount is such proportion of either—

- (a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or
- (b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),

as is reasonably attributable to the use made of the property or goods as mentioned in subsection (1)(b) above.

(4) Where subsection (1)(a)(ii) above applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the services or facilities (where the property, goods, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in subsection (1)(b) above.

(5) Where the services of an employee are made available by his employer for the use or benefit of a candidate, then for the purposes of this section the commercial rate for the provision of those services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

(6) In this section “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 2A to this Act shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1) above, whether property or goods is or are transferred to a candidate or his election agent.]

#### Textual Amendments

- F1** Ss. 90A-90D inserted (1.7.2001) by 2000 c. 41, s. 134(1)(2) (with s. 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)
- F2** S. 90C(1A) inserted (24.11.2022) by Elections Act 2022 (c. 37), ss. 20(1), 67(1); S.I. 2022/1226, reg. 2(c) (with reg. 3(1))
- F3** Words in s. 90C(2) substituted (11.9.2006) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, Sch. 1 para. 117 (with Sch. 1 para. 133); S.I. 2006/1972, art. 3, Sch. 1 para. 25(c) (subject to transitional provisions in art. 4, Sch. 2)

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**Modifications etc. (not altering text)**

- C1** S. 90C applied (with modifications) (1.8.2001) by [S.I. 2001/2599, art. 3, Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256, arts. 1\(2\), 3, Sch. 1](#))
- C2** [Ss. 73-90D restricted \(W.\) \(4.12.2020\) by The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Wales\) \(No. 2\) Regulations 2020 \(S.I. 2020/1399\), regs. 2, 7\(2\) \(with reg. 7\(8\)\)](#)
- C3** S. 90C(2) modified (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 35, 63, Sch. 2 paras. 8, 13; S.S.I. 2007/26, art. 2\(1\)\(n\)\(p\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act Representation of the People Acts amended by [1985 c. 50 Sch. 1 para. 24](#)
- Act power to amend conferred by [2009 c. 12 s. 34\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Ss. 30-34 repealed (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 4 para. 24(b) (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l))
- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 9(2A) inserted by [2021 asc 1 s. 18\(2\)](#)
- s. 9E(1A) inserted by [2021 asc 1 s. 18\(4\)](#)
- s. 9ZA inserted by [2021 asc 1 s. 18\(3\)](#)
- s. 10(4C)(4D) inserted by [2009 c. 12 s. 33\(3\)\(e\)](#) (This amendment not applied to legislation.gov.uk. Ss. 30-34 repealed (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 4 para. 24(b) (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l))
- s. 10A(1C)(1D) inserted by [2009 c. 12 s. 33\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Ss. 30-34 repealed (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 4 para. 24(b) (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l))
- s. 10ZE(2A) inserted by [2021 asc 1 s. 18\(5\)\(a\)](#)
- s. 10ZE(4A) inserted by [2021 asc 1 s. 18\(5\)\(c\)](#)
- s. 10ZE(5A)-(5C) inserted by [2021 asc 1 s. 18\(5\)\(d\)](#)
- s. 13A(1)(zc) inserted by [2021 asc 1 s. 18\(6\)](#)
- s. 13A(2C)(2D) inserted by [2009 c. 12 s. 33\(6\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Ss. 30-34 repealed (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 4 para. 24(b) (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l))
- s. 56(1)(azaa) inserted by [2021 asc 1 s. 18\(9\)](#)
- s. 63(3)(ba) inserted by [2006 c. 22 s. 7](#) (This amendment not applied to legislation.gov.uk. S. 7 repealed (2.4.2013) without ever being in force by 2013 c. 6, s. 23; S.I. 2013/702, art. 3(e))
- s. 81(4A)(4B) inserted by [2006 asp 14 s. 19\(2\)](#)
- s. 113(7)(b)(c) inserted by [2011 c. 1 Sch. 10 para. 15\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- s. 114(4) inserted by [2011 c. 1 Sch. 10 para. 16](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- s. 115(3) inserted by [2011 c. 1 Sch. 10 para. 17](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- s. 139(6A) inserted by [2011 c. 1 Sch. 10 para. 19\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))

- s. 165(3A) inserted by [2011 c. 1 Sch. 10 para. 20](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- s. 201(2B) inserted by [2009 c. 12 s. 33\(9\)](#) (This amendment not applied to legislation.gov.uk. Ss. 30-34 repealed (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 4 para. 24(b) (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l))
- Sch. 1 rule 37A inserted by [2011 c. 1 s. 9\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 9 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(a))
- Sch. 1 rule 45A45B inserted by [2011 c. 1 s. 9\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 9 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(a))
- Sch. 1 rule 46(3) inserted by [2011 c. 1 Sch. 10 para. 5\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 47(3A)(3B) inserted by [2011 c. 1 Sch. 10 para. 6\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 40(1B)(a) repealed by [2006 c. 22 Sch. 2](#)
- Sch. 1 rule 18 substituted by [2011 c. 1 Sch. 10 para. 2](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 47(4)(d) substituted by [2011 c. 1 Sch. 10 para. 6\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 61(2)(c) substituted by [2011 c. 1 Sch. 10 para. 10\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 62 substituted by [2011 c. 1 Sch. 10 para. 11\(1\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 47(1)(aa)(b) substituted for Sch. 1 rule 47(1)(b) by [2011 c. 1 Sch. 10 para. 6\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 47(2)-(2E) substituted for Sch. 1 rule 47(2) by [2011 c. 1 Sch. 10 para. 6\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 47(4)(aa)(b) substituted for Sch. 1 rule 47(4)(b) by [2011 c. 1 Sch. 10 para. 6\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 4949A substituted for Sch. 1 rule 49 by [2011 c. 1 Sch. 10 para. 7](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 50(1)(a)(aa)(ab)(b)(c) substituted for Sch. 1 rule 50(1)(a)-(c) by [2011 c. 1 Sch. 10 para. 8](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 61(2)(a)(aa) substituted for Sch. 1 rule 61(2)(a) by [2011 c. 1 Sch. 10 para. 10\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 46(1)(1A) substituted for rule 46(1) by [2011 c. 1 Sch. 10 para. 5\(1\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 46(2) words inserted by [2011 c. 1 Sch. 10 para. 5\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))

- Sch. 1 rule 47 heading words inserted by [2011 c. 1 Sch. 10 para. 6\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 29(5) words substituted by [2011 c. 1 Sch. 10 para. 3](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 44(5) words substituted by [2011 c. 1 Sch. 10 para. 4](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 47(1) words substituted by [2011 c. 1 Sch. 10 para. 6\(2\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 47(1)(d) words substituted by [2011 c. 1 Sch. 10 para. 6\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 53(4) words substituted by [2011 c. 1 Sch. 10 para. 9](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
- Sch. 1 rule 61(1) words substituted by [2011 c. 1 Sch. 10 para. 10\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 10 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(b))
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- Sch. 2 para. 1(6A) inserted by [2009 c. 12 s. 33\(10\)\(e\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 30-34 repealed (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 4 para. 24(b) (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l))
- Sch. 2 para. 5C inserted by [2022 c. 37 Sch. 4 para. 5](#)