

2019 No. 352

REPRESENTATION OF THE PEOPLE

**The Representation of the People (Election Expenses Exclusion)
(Amendment) Order 2019**

Made - - - - - *22nd February 2019*

Coming into force in accordance with article 1(2)

The Minister for the Cabinet Office in whom the power conferred by paragraph 15(1) of Schedule 4A to the Representation of the People Act 1983^(a) is now vested^(b) makes the following Order in exercise of that power.

The Minister for the Cabinet Office has consulted the Electoral Commission in accordance with paragraph 15(3)(b) of Schedule 4A to the Representation of the People Act 1983.

In accordance with paragraph 15(2) of Schedule 4A to that Act, a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Representation of the People (Election Expenses Exclusion) (Amendment) Order 2019.

(2) This Order comes into force on the day after the day on which it is made.

New general exclusion from the definition of election expenses

2. In Part 2 of Schedule 4A to the Representation of the People Act 1983 (election expenses: general exclusions), for paragraph 7A substitute—

“7A.—(1) Any matter that is reasonably attributable to the candidate’s disability, to the extent that the expenses in respect of the matter are reasonably incurred.

(2) In this paragraph “disability”:

- (a) in relation to a candidate standing for election in England, Wales or Scotland, has the same meaning as in section 6 of the Equality Act 2010^(c);
- (b) in relation to a candidate standing for election in Northern Ireland, has the same meaning as in section 1 of the Disability Discrimination Act 1995^(d).

(a) 1983 c. 2.

(b) Pursuant to section 3 and Schedule 1 of the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), the functions of the Secretary of State under the Representation of the People Act 1983 are exercisable concurrently with the Minister for the Cabinet Office.

(c) 2010 c. 15.

(d) 1995 c. 50.

(3) This paragraph does not apply in relation to a local government election in Wales.”

22nd February 2019

Chloe Smith
Minister for the Constitution
Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 2 of Schedule 4A to the Representation of the People Act 1983 (“the Act”).

The Act sets out certain requirements in relation to “election expenses”, as defined in section 90ZA. These include a limitation on the permitted amount of such expenses, as set out in section 76 of the Act.

Part 2 of Schedule 4A to the Act sets out a list of matters which are “excluded” from being “election expenses” within the meaning of section 90ZA of the Act. Those matters are not subject to the requirements described above, including that as to the limitation on permitted amounts of expenses.

Article 2 adds to that list of matters expenditure by or on behalf of a disabled candidate that is reasonably attributable to the candidate’s disability. That expenditure must itself be reasonably incurred. This provision repeals the existing paragraph 7A of Schedule 4A (which in any event no longer has any force, because it ceased to have effect at the end of 30 June 2014).

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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£4.90

UK201902221027 03/2019 19585

<http://www.legislation.gov.uk/id/uksi/2019/352>

ISBN 978-0-11-118203-1



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