

EXPLANATORY MEMORANDUM TO
THE POLICE AND CRIME COMMISSIONER ELECTIONS (AMENDMENT)
ORDER 2023

2023 No. 1227

1. Introduction

1.1 This explanatory memorandum has been prepared by Department for Levelling Up, Housing and Communities and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to increase spending limits for candidates at Police and Crime Commissioner (“PCC”) elections in line with inflation. The spending limits for candidates at PCC elections have not been increased since they were introduced by the Police and Crime Commissioner Elections Order 2012 (hereafter the 2012 Order).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 This statutory instrument is part of a wider package of statutory instruments the government has [announced](#) to increase party and candidate spending limits for reserved polls, and certain donations reporting thresholds.

6.2 Article 35 of the 2012 Order sets out the spending limits for candidates at PCC elections. The 2012 Order outlines specific individual fixed ceiling limits for each police area.

6.3 The Secretary of State has the power to make provisions about funding and expenditure in relation to PCC elections under section 58 of the Police Reform and Social Responsibility Act 2011. However, where an amendment is being made to candidate spending limits in line with changes to the value of only, the Secretary of State has the power to do so via negative procedure Statutory Instrument under article 36 of the 2012 Order. As this is the first time these spending limits have been increased it is also the first time this power is being utilised by the Secretary of State.

The use of the power to increase spending limits in line with inflation does not require consultation with the Electoral Commission.

7. Policy background

What is being done and why?

- 7.1 In December 2020, the Government increased spending limits for candidates at local government elections in England in line with inflation from 2014. This was to ensure that spending limits remain aligned in real terms with the original limits set by Parliament. The then Minister for the Constitution and Devolution, Chloe Smith MP, also [announced the Government's intention](#) to review party and candidate spending limits for all other reserved polls with a view to increasing them in line with inflation since they were last set. The increase in spending limits for candidates at PCC elections is done as a part of this wider package.

Explanations

What did any law do before the changes to be made by this instrument?

- 7.2 The 2012 Order sets the limits for candidate election expenses for PCC elections. The table in article 35 sets out the maximum amount of election expenses that may be incurred in the aggregate by or on behalf of a candidate at a PCC election for each corresponding police area.

Why is it being changed?

- 7.3 The spending limits for candidates at PCC elections were set in 2012 and have not been increased to account for inflation since. This means the spending limits are effectively lower in real terms, which will put greater constraints on candidates as the costs of campaign spending such as printing and communicating with the electorate increases.

What will it now do?

- 7.4 This statutory instrument amends the 2012 Order to increase the limits for candidate election expenses for PCC elections. Article 2 of this order substitutes figures in Table 2 in article 35 of the 2012 Order with updated figures, outlining the new maximum amount of election expenses that may be incurred in the aggregate by or on behalf of a candidate at a PCC election for each corresponding police area.
- 7.5 The increases reflect inflation since the limits were set in 2012 using CPI inflation until July 2023, which represent the most up to date inflation figures available at the time of drafting. This equates to an increase of 36.92% (rounded here to 2 decimal points). The increases align the limits in real terms with the original limits set in 2012. After calculating for the increase all limits have been rounded down to the nearest £10 to make them more user-friendly.
- 7.6 The limits for Greater Manchester and West Yorkshire are not increased by this order. The 2012 Order does not apply to these police areas because the functions of the PCCs have been transferred to the relevant mayor (Greater Manchester Combined Authority and West Yorkshire Combined Authority).

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 No consolidation is required as a result of this instrument.

10. Consultation outcome

10.1 Members of the Parliamentary Parties Panel (PPP) were consulted by the Cabinet Office in 2020 on uprating of various different election spending limits. Three parties provided written responses. These responses revealed a general support for increasing limits at general elections, and a mixed reaction to increasing limits for local elections, including those for PCC candidates.

10.2 Following this engagement with the PPP members, the Government increased candidate spending limits at local elections in England and committed to reviewing other spending limits at reserved polls with a view to increasing them in line with inflation. In September 2022, the then Secretary of State for Levelling Up, Housing and Communities Greg Clark wrote to the members of the Parliamentary Parties Panel to confirm this commitment and to consult them on increasing other sums in electoral legislation and exempting reasonable security related expenses. This letter was published on gov.uk and both responses received supported the principle of increasing spending limits at reserved polls, including those for PCCs. Throughout this process, the government has engaged with the Electoral Commission on the topic: formally consulting them on other changes, outside of this order, to expenditure limits where statutorily required.

11. Guidance

11.1 The Electoral Commission provides non-statutory guidance to candidates at Police and Crime Commissioner elections.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because no, or no significant impact on business, charities, voluntary bodies or the public sector is foreseen. Political campaigning is not funded with tax-payer money.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 No formal monitoring or review of this instrument is planned. The spending limits will be assessed in line with changes to the value of money periodically.

15. Contact

- 15.1 Imogen Harris at the Department for Levelling Up, Housing and Communities, Telephone: 07749713595 or email: imogen.harris@levellingup.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Becca Crosier, Deputy Director for Elections, at the Department for Levelling Up, Housing and Communities, can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Jacob Young, Parliamentary Under Secretary of State (Levelling Up) at the Department for Levelling Up, Housing and Communities, can confirm that this Explanatory Memorandum meets the required standard.