

2023 No. 807

ELECTORAL COMMISSION

**The Electoral Commission (Limit on Public Awareness
Expenditure) Order 2023**

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| <i>Made</i> - - - - | <i>14th July 2023</i> |
| <i>Laid before Parliament</i> | <i>18th July 2023</i> |
| <i>Coming into force</i> - - | <i>8th August 2023</i> |

The Secretary of State makes this Order in exercise of the powers conferred by sections 13(6) and 156(5) of the Political Parties, Elections and Referendums Act 2000(a) with the consent of the Treasury.

Citation, commencement, interpretation, extent and application

1.—(1) This Order may be cited as the Electoral Commission (Limit on Public Awareness Expenditure) Order 2023.

(2) This Order comes into force on 8th August 2023.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

(4) Article 2 does not apply to expenditure incurred by the Electoral Commission—

(a) in performing their devolved Scottish functions; or

(b) to the extent that it is, or is to be, met under paragraph 16A of Schedule 1 to the Act or paragraph 6 of Schedule 2 to the Government of Wales Act 2006.

(5) In this Order—

“the Act” means the Political Parties, Elections and Referendums Act 2000;

“devolved Scottish functions” has the meaning given by section 4A(8)(a) of the Act(b).

Maximum sum to be incurred on public awareness

2. The sum specified for the purposes of section 13(6) of the Act (maximum sum which the Electoral Commission may incur in any financial year in performing their functions under section 13(1) of the Act)(c)—

(a) 2000 c. 41. Section 13 was amended by paragraph 61 of Schedule 10 to the Government of Wales Act 2006 (c. 32), section 8 of the Political Parties and Elections Act 2009 (c. 12), section 15(3) of the Local Electoral Administration (Scotland) Act 2011 (asp 10), and section 28(7) of and paragraph 13 of Schedule 2 to the Senedd and Elections (Wales) Act 2020 (anaw 1), and S.I. 2018/644. Section 156(5) was amended by section 7(13) of the Scotland Act 2016 (c. 11). There are other amendments that are not relevant to this Order.

(b) Section 4A was inserted by section 16 of the Elections Act 2022 (c. 37).

(c) Section 13(1) was amended by section 8 of the Political Parties and Elections Act 2009 (c. 12) and by S.I. 2004/366.

- (a) in the financial year ending with 31st March 2024, is £17,000,000;
- (b) in the financial year ending with 31st March 2025, is £17,000,000; and
- (c) in any subsequent financial year, is £12,000,000.

Revocation and savings

3. The Electoral Commission (Limit on Public Awareness Expenditure) Order 2014^(a) is revoked, save to the extent it applies to expenditure incurred by the Electoral Commission in performing their devolved Scottish functions.

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

14th July 2023

Scott of Bybrook
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and Communities

We consent

10th July 2023

Stuart Anderson
Steve Double
Two of the Lords Commissioners of Her Majesty's Treasury

^(a) S.I. 2014/510.

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 13(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) (“the Act”), the Electoral Commission (the “Commission”) are required to promote public awareness of current electoral systems in the United Kingdom. Section 13(6) of the Act, subject to subsections (8) and (12), gives a power to the Secretary of State to set a limit on the amount which the Commission may spend on that function in any financial year.

This Order increases the limit set out in the Electoral Commission (Limit on Public Awareness Expenditure) Order 2014 (S.I. 2014/510) (the “2014 Order”). The new limit set by Article 2(a) and (b) of this Order is £17,000,000 for the financial years 2023/24 and 2024/25. Article 2(c) provides that the annual limit thereafter will be £12,000,000.

Article 1(3) of this Order provides that the limit will not apply to the Commission’s spending where this relates to devolved Scottish functions or, in relation to Wales, where the expenditure is met or to be met under paragraph 16A of Schedule 1 to the Act or paragraph 6 of Schedule 2 to the Government of Wales Act 2006. The Commission’s expenditure in those matters is met by the Scottish Parliament and the Senedd Cymru respectively.

Article 3 revokes the 2014 Order save to the extent that it applies to expenditure incurred by the Commission in performing their devolved Scottish functions. Revocation of the expenditure limit in relation to those functions is a matter for the Scottish Ministers. The 2014 Order extended to the United Kingdom and Gibraltar due to the functions of the Commission in relation to European Parliament elections in Gibraltar. As the functions of the Commission under section 13 of the Act in relation to Gibraltar have been removed with the repeal of section 13(1A) of the Act by S.I. 2018/1310, the 2014 Order has already lapsed insofar as it relates to Gibraltar.

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

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£4.90

<http://www.legislation.gov.uk/id/uksi/2023/807>

ISBN 978-0-34-825010-7



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