

EXPLANATORY MEMORANDUM TO

THE REPRESENTATION OF THE PEOPLE (VARIATION OF LIMITS OF CANDIDATES' ELECTION EXPENSES) ORDER 2005

2005 No.269

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by command of Her Majesty. This memorandum contains information for the Joint Committee of Statutory Instruments.

2. Description

2.1 This Order relates to the increase in the maximum amounts of candidates' election expenses at a parliamentary general election in the United Kingdom (Article 3) and at local government elections in England and Wales, except elections under the Greater London Authority Act 1999 (Article 4).

2.2 It states that the maximum amounts of candidates' election expenses made up of a fixed amount (expressed in pounds) plus a sum (expressed in pence) for each entry in the register of electors.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative background

4.1 This Order is subject to the negative resolution procedure. It is made in exercise of powers conferred by section 76A(1)(b) of the Representation of the People Act 1983. Section 76(1)(b) provides the Secretary of State with the power to vary the limits of candidates' election expenses in order to give effect to a recommendation of the Electoral Commission.

4.2 These amounts were last increased by the Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2001 ("the 2001 Order"), which is revoked by this Order (Article 5).

5. Extent

5.1 This Order extends to parliamentary general elections in the United Kingdom and local government elections in England and Wales, except elections under the Greater London Authority Act 1999.

5.2 Article 4 of the Order does not extend to Scotland or Northern Ireland.

6. European Convention on Human Rights

6.1 The Parliamentary Under-Secretary for State for the Department for Constitutional Affairs, Christopher Leslie, has made the following statement regarding Human Rights: "In my view, the provisions of the Representation of the People Act (Variation of Limits of Candidates' Election Expenses) Order 2005 are compatible with the Convention rights."

7. Policy background

7.1 The increases were recommended by the Electoral Commission in January 2005 in their recommendation report, *Variation of election expenses at UK Parliamentary and local government elections*, the Secretary of State having written to the Commission in November 2004 asking for their recommendation.

7.2 The Commission recommended the following limits:

Election	Current expenses limit		Recommended expenses limit	
	Basic (£)	Per elector (p)	Basic (£)	Per elector (p)
UK Parliament (county constituency)	5,483	6.2	7,150	7
UK Parliament (borough constituency)	5,483	4.6	7,150	5
Local government (England and Wales only)	242	4.7	600	5

7.3 The increases have regard to the increase in the value of money since expense limits were last varied by the 2001 Order, and the impact of the effect of sections 90A to 90C of the 1983 Act (amended by section 134 of the Political Parties, Elections and Referendums Act 2000) on the definition of election expenses.

7.4 The value of property, goods, services or facilities provided free of charge or at a discount to the candidate or his election agent must now be included in the total of election expenses subject to maximum limits.

7.5 The Department for Constitutional Affairs and Office of the Deputy Prime Minister have separate and distinct responsibilities for electoral matters as a result of a number of machinery of government decisions taken by the Prime Minister. The Department for Constitutional Affairs broadly takes responsibility for national issues, in particular parliamentary and European parliamentary elections. The Office of the Deputy Prime Minister broadly takes responsibility for local election matters.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

DCA Contact and ODPM Contact

Courtney Oyeneye-Alade, Department for Constitutional Affairs can answer any queries relating to this instrument for Parliamentary General Elections. Tel 020 7210 8239.

Shashi Langham, Office of the Deputy Prime Minister can answer any queries relating to this instrument for County and Borough Elections. Tel 020 7944 4082.