

Status: Point in time view as at 04/04/2024.

Changes to legislation: Representation of the People Act 1983, SCHEDULE 4A is up to date with all changes known to be in force on or before 03 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 4A

Section 90ZA

ELECTION EXPENSES

Textual Amendments

- F1** Sch. 4A inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 27(5), 77**; [S.I. 2006/1972](#), **art. 3, Sch. 1 para. 5** (subject to transitional provisions in [art. 4, Sch. 2](#))

Modifications etc. (not altering text)

- C1** Sch. 4A applied (with modifications) (7.2.2007) by [S.I. 2001/2599](#), **art. 3, Sch. 1** (as amended by [The Northern Ireland Assembly \(Elections\) \(Amendment\) Order 2007 \(S.I. 2007/308\)](#), **art. 2(3)** and as substituted (10.2.2009) by [S.I. 2009/256](#), **arts. 1(2), 3, Sch. 1**)

PART 1

LIST OF MATTERS

- 1 Advertising of any nature (whatever the medium used). Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- 2 Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area). Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- 3 Transport (by any means) of persons to any place. Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.
- 4 Public meetings (of any kind). Expenses in respect of such meetings include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.
- 5 The services of an election agent or any other person whose services are engaged in connection with the candidate's election.
- 6 Accommodation and administrative costs.

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PART 2

GENERAL EXCLUSIONS

- 7 The payment of any deposit required by rule 9 of Schedule 1 to this Act.
- [^{F2}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;
 - (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.
- ^{F3}(3)]

Textual Amendments

F2 Sch. 4A para. 7A substituted (23.2.2019) by [The Representation of the People \(Election Expenses Exclusion\) \(Amendment\) Order 2019 \(S.I. 2019/352\)](#), arts. 1(2), **2**

F3 Sch. 4A para. 7A(3) omitted (W.) (with effect in accordance with art. 1(2)(b) of the amending S.I.) by virtue of [The Representation of the People \(Election Expenses Exclusion\) \(Wales\) \(Amendment\) Order 2020 \(S.I. 2020/1320\)](#), arts. 1(2), **5(a)**

- 8 The publication of any matter, other than an advertisement, relating to the election in—
- (a) a newspaper or periodical;
 - (b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru;
 - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996.
- [^{F4}8A. In relation to a local government election in Wales, expenses incurred in respect of, or in consequence of, the translation of anything from Welsh into English or from English into Welsh.]

Textual Amendments

F4 Sch. 4A para. 8A inserted (W.) (with effect in accordance with art. 1(2)(b) of the amending S.I.) by [The Representation of the People \(Election Expenses Exclusion\) \(Wales\) \(Amendment\) Order 2020 \(S.I. 2020/1320\)](#), arts. 1(2), **5(b)**

- 9 The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act other than facilities in respect of which expenses fall to be defrayed by virtue of sections 95(4) and 96(4) above.
- 10 The provision by an individual of his own services which he provides voluntarily in his own time and free of charge.
- 11 (1) Accommodation which is the candidate's sole or main residence.
- (2) The provision by any other individual of accommodation which is his sole or main residence if the provision is made free of charge.

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- 12 (1) Transport by a means of transport which was acquired by the candidate principally for his own personal use.
- (2) Transport provided free of charge by any other individual if the means of transport was acquired by him principally for his own personal use.
- 13 (1) Computing or printing equipment which was acquired by the candidate principally for his own personal use.
- (2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his own personal use if the provision is made free of charge.
- [^{F5}13A. Except in relation to a local government election in Wales, the protection of persons or property, to the extent that the expenses are reasonably incurred and are reasonably attributable to the protection of persons or property.]

Textual Amendments

- F5** Sch. 4A para. 13A inserted (26.3.2024) by [The Representation of the People \(Variation of Election Expenses and Exclusions\) Regulations 2024 \(S.I. 2024/428\)](#), regs. 1(1)(b), **4(1)** (with reg. 6)

PART 3

SUPPLEMENTAL

Guidance by Commission

- 14 (1) The Electoral Commission (“the Commission”) may prepare, and from time to time revise, a code of practice [^{F6}for elections other than local government elections in Wales][^{F7}giving—
- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
- (b) guidance (supplementing the definition in section 90ZA(3) above) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate’s election];
- [^{F8}(c) guidance relating to the application of Part 2 of this Act in relation to expenses incurred for the purposes of a candidate’s election (whether or not election expenses).]
- (2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Secretary of State for his approval.
- (3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.
- (4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—
- (a) in its original form, or
- (b) in a form which incorporates any modifications determined under subparagraph (3),
- before each House of Parliament.

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- (5) If the draft incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of his reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
 - (a) the Secretary of State must issue the code in the form of the draft laid before Parliament, and
 - (b) the code is to come into force on such date as the Secretary of State may by order [^{F9}made by statutory instrument] appoint, and the Commission must arrange for it to be published in such manner as they think appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.
- (9) In this paragraph, “the 40-day period”, in relation to a draft code, means—
 - (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House, no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) In this paragraph references to a draft code include a revised draft code.

Textual Amendments

- F6** Words in Sch. 4A para. 14(1) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(3)(b), [Sch. 2 para. 1\(2\)](#); S.I. 2020/1052, art. 2(b)
- F7** Words in Sch. 4A para. 14(1) substituted (21.7.2009) by [Political Parties and Elections Act 2009](#) (c. 12), [ss. 22, 43\(1\)\(5\)\(d\)](#)
- F8** Sch. 4A para. 14(1)(c) inserted (24.11.2022) by [Elections Act 2022](#) (c. 37), [ss. 21\(1\)\(a\)](#), 67(1); S.I. 2022/1226, reg. 2(c)
- F9** Words in Sch. 4A para. 14(7)(b) inserted (24.11.2022) by [Elections Act 2022](#) (c. 37), [ss. 21\(1\)\(b\)](#), 67(1); S.I. 2022/1226, reg. 2(c)

- [^{F10}14A (1) The Electoral Commission (“the Commission”) may prepare, and from time to time revise, a code of practice for local government elections in Wales giving—
- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
 - (b) guidance (supplementing the definition in section 90ZA(3)) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.
- (2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Welsh Ministers for approval.
- (3) The Welsh Ministers may approve a draft code with or without modifications.

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- (4) Once the Welsh Ministers have approved a draft code they must lay a copy of the draft, in the form in which they have approved it, before Senedd Cymru.
- (5) If the draft incorporates modifications, the Welsh Ministers must at the same time lay before Senedd Cymru a statement of their reasons for making them.
- (6) If, within the 40-day period, Senedd Cymru resolves not to approve the draft, the Welsh Ministers must take no further steps in relation to it.
- (7) If no such resolution is made within the 40-day period—
 - (a) the Welsh Ministers must issue the code in the form of the draft laid before Senedd Cymru,
 - (b) the code comes into force on the date appointed by the Welsh Ministers by order, and
 - (c) the Commission must arrange for the code to be published in such manner as the Commission think appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Senedd Cymru.
- (9) In this paragraph, “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before Senedd Cymru, no account being taken of any period during which Senedd Cymru is dissolved or is in recess for more than four days.
- (10) In this paragraph references to a draft code include a revised draft code.]

Textual Amendments

F10 Sch. 4A para. 14A inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(3)(b), [Sch. 2 para. 1\(3\)](#); S.I. 2020/1052, art. 2(b)

Power to amend Parts 1 and 2

- 15 (1) The Secretary of State may by order made by statutory instrument make such amendments of Part 1 or 2 of this Schedule as he considers appropriate.
- (2) An order under sub-paragraph (1) shall not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (3) The Secretary of State may make such an order either—
 - (a) where the order gives effect to a recommendation of the Electoral Commission; or
 - (b) after consultation with the Electoral Commission.]

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