



Elections Act 2022

2022 CHAPTER 37

PART 4

REGULATION OF EXPENDITURE

Notional expenditure of candidates and others

20 Notional expenditure: use of property etc on behalf of candidates and others

- (1) In section 90C of RPA 1983 (property, goods, services etc provided free of charge or at a discount), after subsection (1) insert—

“(1A) For the purposes of subsection (1)(b), except as it applies in relation to an election in Scotland or Wales under the local government Act, property, goods, services or facilities are made use of on behalf of a candidate only if their use on behalf of the candidate is directed, authorised or encouraged by the candidate or the candidate’s election agent.”

- (2) In section 73 of PPERA (notional campaign expenditure)—

- (a) after subsection (1) insert—

“(1A) For the purposes of subsection (1)(b), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 9 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a registered party only if their use on behalf of the party is directed, authorised or encouraged by—

- (a) the party, or
(b) the treasurer or a deputy treasurer appointed under section 74.”;

- (b) in subsection (10), after “(1),” insert “(1A),”.

- (3) In section 86 of PPERA (notional controlled expenditure), after subsection (1) insert—

Changes to legislation: Elections Act 2022, Cross Heading: Notional expenditure of candidates and others is up to date with all changes known to be in force on or before 04 July 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) View outstanding changes

“(1A) For the purposes of subsection (1)(b), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a third party only if their use on behalf of the third party is directed, authorised or encouraged by the third party or (where the third party is a recognised third party and is not an individual) by the third party or the responsible person.”

(4) In section 94 of PPERA (limits on controlled expenditure by third parties), after subsection (8) insert—

“(8A) Where the period is one in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a third party for the purposes of subsection (8)(b) only if their use on behalf of the third party is directed, authorised or encouraged by the third party or (where the third party is a recognised third party and is not an individual) by the third party or the responsible person.”

(5) In section 112 of PPERA (notional referendum expenses), after subsection (1) insert—

“(1A) For the purposes of subsection (1)(b), property, services or facilities are made use of on behalf of an individual or body only if their use on behalf of the individual or body is directed, authorised or encouraged by the individual or body or (where the individual or body is a permitted participant) by the individual or body or the responsible person.”

(6) In paragraph 6 of Schedule 3 to the Recall of MPs Act 2015 (regulation of expenditure: notional petition expenses), after sub-paragraph (3) insert—

“(3A) For the purposes of sub-paragraph (3), property, services or facilities are made use of on behalf of P only if their use on behalf of P is directed, authorised or encouraged by P or (where P is an accredited campaigner) by P or the responsible person.”

(7) In section 52B of the [Electoral Law Act \(Northern Ireland\) 1962 \(c. 14 \(N.I.\)\)](#) (property, goods, services etc provided free of charge or at a discount), after subsection (1) insert—

“(1A) For the purposes of subsection (1)(b), property, goods, services or facilities are made use of on behalf of a candidate only if their use on behalf of the candidate is directed, authorised or encouraged by the candidate or the candidate’s election agent.”

Commencement Information

11 S. 20 not in force at Royal Assent, see [s. 67\(1\)](#)

12 S. 20 in force at 24.11.2022 by [S.I. 2022/1226](#), [reg. 2\(c\)](#) (with [reg. 3\(1\)](#))

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21 Codes of practice on expenses

- (1) In paragraph 14 of Schedule 4A to RPA 1983 (election expenses: Electoral Commission guidance)—
- (a) in sub-paragraph (1), after paragraph (b) insert—
 - “(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).”;
 - (b) in sub-paragraph (7)(b), after “order” insert “made by statutory instrument”.
- (2) In section 156 of PPERA (orders and regulations), in subsection (3)—
- (a) omit the “or” after paragraph (a);
 - (b) after paragraph (a) insert—
 - “(aa) any order under paragraph 3(7) of Schedule 8, other than an order of the Welsh Ministers;”.
- (3) In subsection (4C) of that section, for “(3)” substitute “(3)(a) or (b)”.

Commencement Information

- I3** S. 21 not in force at Royal Assent, see [s. 67\(1\)](#)
I4 S. 21 in force at 24.11.2022 by [S.I. 2022/1226](#), [reg. 2\(c\)](#)

22 Authorised persons not required to pay expenses through election agent

- (1) In section 73 of RPA 1983 (payment of expenses through election agent), as it applies otherwise than in relation to local government elections in Scotland, in subsection (5)—
- (a) omit the “or” after paragraph (c);
 - (b) after paragraph (c) insert—
 - “(ca) any expenses incurred, otherwise than in relation to an election in Wales under the local government Act, on account of any matter falling within section 75(1) by a person authorised as mentioned in that provision; or”.
- (2) In section 39 of the [Electoral Law Act \(Northern Ireland\) 1962 \(c. 14 \(N.I.\)\)](#) (payment of expenses through an election agent), in subsection (3), after paragraph (c) insert—
- “(ca) any expenses incurred on account of any matter falling within section 41(1) by a person authorised as mentioned in that provision;”.

Commencement Information

- I5** S. 22 not in force at Royal Assent, see [s. 67\(1\)](#)
I6 S. 22 in force at 24.11.2022 by [S.I. 2022/1226](#), [reg. 2\(c\)](#) (with [reg. 3\(2\)](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 35(ea) inserted by [2023 c. 47 s. 3\(3\)](#)