

# **SL(6)700 – Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025**

## **Background and Purpose**

The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 ('the Code') gives guidance as to the operation of Part 6 of Political Parties, Elections and Referendums Act 2000 ('PPERA 2000') for third parties during the regulated period for Senedd elections including during a combined regulated period where applicable.

The Code sets out:

- what a non-party campaigner is;
- what non-party campaigning is;
- the kinds of expenses which are qualifying expenses;
- the circumstances in which expenses are or are not to be regarded as incurred for the purpose of promoting or procuring electoral success;
- the kinds of expenditure which is treated as notional controlled expenditure or donations;
- the circumstances which will be regarded as joint campaigning;
- what targeted controlled expenditure is and when it is relevant; and
- the recording and reporting requirements (including for combined regulated periods).

## **Procedure**

Draft Negative.

The Welsh Ministers have laid a draft of the Code before the Senedd. If, within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the draft being laid, the Senedd resolves not to approve the draft Code then the Welsh Ministers must not issue the Code.

If no such resolution is made, the Welsh Ministers must issue the Code (in the form of the draft) and the Code comes into force on a day specified in an order made by the Welsh Ministers, and published by the Electoral Commission.



## Scrutiny under Standing Order 21.7

The following points are identified for reporting under Standing Order 21.7 in respect of this code.

(i) Inconsistencies between the meaning of the English and Welsh texts.

1. In paragraph 1.10, in the definition of “party list candidate”, there is a difference between the English and Welsh text. In the English text, it notes that it “has the same meaning as **article 2** of the Senedd Cymru (Representation of the People) Order 2025”. But the meaning given by the Welsh text is “has the same meaning as **section 2** of the Senedd Cymru (Representation of the People) Order 2025”. In addition, it should note in both language texts that it has the same meaning as “**in** article 2” and it would be more precise to refer to article **2(1)** of the 2025 Order.
2. In paragraph 6.18, in the first sentence, there are differences between the English and Welsh text. At the beginning of that sentence in the English text, it notes “If the political party use the...” but the meaning given by the Welsh text is “If the registered political party use the...”. In addition, at the end of that sentence in the English text, it notes “on behalf of the registered political party” but the meaning given by the Welsh text is “on behalf of the political party”.

(ii) Inconsistent use of terms in the Welsh text

3. In paragraph 1.10, in the Welsh text, the term “notional controlled expenditure” has been defined as “gwariant **tybiannol** a reolir”. However, a different term “gwariant a reolir **tybiannol**” is used in the Welsh text in paragraph 1.8 and the heading of section 6 of the Code. Therefore, the definition is not consistent with the term that is used in the Welsh text of the Code.

(iii) Other drafting issues

4. In paragraph 1.10, the term “Incur” is defined for the Code. However, this term has not been defined in the other related Codes. Therefore, is there a reason for the different approach and why the term has been defined for this Code but not for the other related Codes?
5. In paragraph 1.10, there is no definition of the term “party list” although it is used on a single occasion in paragraph 3.12 of the Code and is a defined term in article 2(1) of the 2025 Order. Therefore, this term should also be defined in the Code if it is intended to bear the same meaning as given by article 2(1) of the 2025 Order.
6. In paragraph 1.10, in the definition of “regulated period”, the reference is incomplete where it notes “Section 89B(6) refers to this period” as it does not identify the Act in which that section is found. Other references in paragraph 1.10 have usually included “of PPERA” when referring the reader to sections of that Act.



7. In the heading above paragraph 6.17, and in paragraph 6.18, the term “registered political party” has been used (although in different places in both language texts of paragraph 6.18). However, in paragraph 1.10, the term “political party” is defined as a party which is registered under Part 2 of PPERA. If the definition of “political party” is noted as a party which is registered under Part 2 of PPERA then the word “registered” in those descriptions appears to be superfluous. It is also potentially misleading to the reader if both the terms “political party” and “registered political party” bear the same meaning in the Code.

## Government response

A Welsh Government response is required.

## Committee Consideration

The Committee considered the instrument at its meeting on 19 January 2026 and reports to the Senedd in line with the reporting points above.

