

Draft Regulations laid before Senedd Cymru under sections 28(12) and 71(4) of the Elections and Elected Bodies (Wales) Act 2024, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2025 No. (W.)

**REPRESENTATION OF THE
PEOPLE, WALES**

**The Welsh Elections Financial
Assistance Scheme (Disabled
Candidates) Regulations 2025**

EXPLANATORY NOTE

(This note is not part of the Regulations)

As required by section 28(2) of the Elections and Elected Bodies (Wales) Act 2024 (asc 5) (“the 2024 Act”), these Regulations provide for a scheme of financial assistance to help disabled candidates in Welsh elections to overcome barriers to their participation in those elections which are connected to their disability. The Regulations apply to Welsh elections, meaning an election for membership of Senedd Cymru or the council of a county or county borough or community in Wales.

A candidate for the purposes of these Regulations is a person who intends to become a candidate or is a validly nominated candidate. An application may be made for financial assistance by such a candidate at any time, but the payment of any financial assistance will only be made after a candidate has been validly nominated. Also, financial assistance will only be available to meet additional costs that are incurred in connection with a candidate’s disability for support or adjustments used after they have been validly nominated. A candidate is validly nominated at an election when their nomination at that election is accepted by the returning officer.

Regulation 4 provides for the appointment of a scheme operator, which may be subject to terms and conditions. The provision sets out requirements for the appointment. Regulation 5 confers functions on the scheme operator, and those functions may be delegated

to specified persons as set out in regulations 6 and 7. The scheme operator must produce and publish guidance about the operation of the scheme as set out in regulation 8.

Regulation 9 sets out the financial assistance the scheme must provide, including reasonably incurred costs of support or adjustments required to enable a disabled candidate to participate in campaigning on a level basis with a non-disabled candidate, during the specified period. That specified period begins on the date a candidate is validly nominated at a Welsh election and ends on the day the results of that election are declared.

Regulation 10 provides conditions that the scheme operator must include as part of the eligibility criteria for the scheme.

Regulation 11 outlines the application and assessment processes for the financial assistance scheme, which must be detailed within the guidance published by the scheme operator under regulation 8.

Regulation 12 requires the scheme operator to take reasonable steps to ensure that arrangements are made to pay the approved financial assistance to the candidate, as soon as practicable. Financial assistance may be provided via direct payments to the source of the required support or adjustments, or directly to the candidate. Where payments are made directly to the candidate, the candidate may be required to fulfil specified conditions before the payment is made.

Regulation 13 outlines the circumstances and process when the scheme operator requests that a financial assistance payment is repaid.

Regulation 14 makes provision for the keeping of records and accounts by the scheme operator, which may be inspected by the Welsh Ministers. The scheme operator must also publish a report on the operation of the financial assistance scheme, as provided for in regulation 15, no later than 6 months following an election. Any information provided to Welsh Ministers, or included in a report by the scheme operator, must be anonymised and must not include identifiable details of a candidate.

Regulations 16 to 17 detail the consequential amendments required to other legislation to give full effect to the financial assistance scheme by ensuring that any expenses incurred by a candidate, which are paid or reimbursed under the financial assistance scheme established in accordance with these Regulations, do not count towards the candidate's election expenditure limits in Welsh elections.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was

considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

Draft Regulations laid before Senedd Cymru under sections 28(12) and 71(4) of the Elections and Elected Bodies (Wales) Act 2024, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2025 No. (W.)

**REPRESENTATION OF THE
PEOPLE, WALES**

**The Welsh Elections Financial
Assistance Scheme (Disabled
Candidates) Regulations 2025**

Made

Coming into force

21 July 2025

The Welsh Ministers, in exercise of the powers conferred by sections 28(2), (3), (5), (6), (8) and (10) and 71(1) and (2) of the Elections and Elected Bodies (Wales) Act 2024⁽¹⁾, make the following Regulations.

In accordance with section 28(4) of that Act, the Welsh Ministers have consulted with such persons as they considered appropriate.

In accordance with sections 28(12) and 71(4) of that Act, a draft of these Regulations was laid before, and approved by a resolution of, Senedd Cymru.

PART 1

GENERAL

Title, coming into force and application

1.—(1) The title of these Regulations is the Welsh Elections Financial Assistance Scheme (Disabled Candidates) Regulations 2025.

(1) 2024 asc 5. Section 28(13) defines “specified” to mean specified in regulations made under section 28.

(2) These Regulations come into force on 21 July 2025.

(3) These Regulations apply to Welsh elections.

(4) Despite the coming into force of these Regulations under paragraph (2), they do not have effect in relation to a Welsh election the poll for which is held on or before 6 May 2026.

Interpretation

2.—(1) In these Regulations—

“the 2024 Act” (“*Deddf 2024*”) means the Elections and Elected Bodies (Wales) Act 2024;

“the 2025 Order” (“*Gorchymyn 2025*”) means the Senedd Cymru (Representation of the People) Order 2025⁽¹⁾;

“candidate” (“*ymgeisydd*”) means—

(a) in relation to a Senedd Cymru election, a person who—

(i) intends to stand as an individual candidate, or who is validly nominated as an individual candidate, at that election, or

(ii) intends to stand as a party list candidate, or is validly nominated as a party list candidate, at that election;

(b) in relation to an election of members of a county or county borough council in Wales, a person who intends to stand as a candidate, or who is validly nominated as a candidate, at that election;

(c) in relation to an election of members of a community council in Wales, a person who intends to stand as a candidate, or who is validly nominated as a candidate, at that election;

“disabled” (“*anabl*”) has the same meaning as in section 28(13) of the 2024 Act;

“financial assistance” (“*cymorth ariannol*”) has the same meaning as in section 31 of the 2024 Act;

“individual candidate” (“*ymgeisydd unigol*”) means a candidate at a Senedd Cymru election other than a party list candidate;

“party list candidate” (“*ymgeisydd rhestr plaid*”) means a candidate at a Senedd Cymru election included on a list of candidates submitted by a registered political party;

“registered political party” (“*plaid wleidyddol gofrestredig*”) means a party registered under Part

(1) S.I. 2025/XX (W. XX).

2 of the Political Parties, Elections and Referendums Act 2000⁽¹⁾;

“Welsh election” (“*etholiad Cymreig*”) means an election for the return of a member of—

- (a) Senedd Cymru;
- (b) the council of a county or county borough in Wales;
- (c) the council of a community in Wales.

(2) A person is validly nominated as a candidate at a Welsh election—

- (a) in relation to a Senedd Cymru election, if their nomination—
 - (i) as an individual candidate at that election is accepted as being valid by the returning officer in accordance with rule 14 of Schedule 5 to the 2025 Order;
 - (ii) as a party list candidate at that election is accepted as being valid by the returning officer in accordance with rule 15 of Schedule 5 to the 2025 Order;
- (b) in relation to an election of members of a county or county borough council, if their nomination as a candidate at that election is accepted as being valid by the returning officer in accordance with rule 10 of Schedule 1 or rule 10 of Schedule 2 to the Local Elections (Principal Areas) (Wales) Rules 2021⁽²⁾;
- (c) in relation to an election of members of a community council, if their nomination as a candidate at that election is accepted as being valid by the returning officer in accordance with rule 10 of Schedule 1 or rule 10 of Schedule 2 to the Local Elections (Communities) (Wales) Rules 2021⁽³⁾.

PART 2

ESTABLISHMENT AND OPERATION OF THE SCHEME

Establishment of the scheme

3.—(1) These Regulations establish a scheme for the giving of financial assistance to disabled

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- (1) 2000 c. 41.
 - (2) S.I. 2021/1459 (W. 374). Relevant amendments are made by S.I. 2022/263 (W. 79) regulations 1(2), 2(2) and (3), and 12(a).
 - (3) S.I. 2021/1460 (W. 375). Relevant amendments are made by S.I. 2022/263 (W. 79) regulations 1(2), 2(5) and (6), and 12(a).

candidates under section 28(2) of the 2024 Act, referred to in these Regulations as “the financial assistance scheme”.

(2) Part 3 of these Regulations constitutes the financial assistance scheme.

The scheme operator

4.—(1) The Welsh Ministers must appoint a person to operate the financial assistance scheme, referred to in these Regulations as “the scheme operator”.

(2) The scheme operator must have—

- (a) an understanding or experience of a broad range of disabilities;
- (b) an understanding or experience of the impact that disabilities have on the role of a candidate standing for election in Wales;
- (c) an understanding of the Welsh election process;
- (d) administrative and financial processes in place to operate the financial assistance scheme.

(3) The scheme operator must not be an excluded person.

(4) An appointment under paragraph (1) may be made subject to terms and conditions determined by the Welsh Ministers.

(5) Terms and conditions under paragraph (4) may include arrangements for payments from the Welsh Ministers to the scheme operator for the purpose of funding—

- (a) any financial assistance paid under the financial assistance scheme, and
- (b) the costs of operating the financial assistance scheme.

(6) In this regulation, “excluded person” has the same meaning as in section 29 of the 2024 Act.

Functions of the scheme operator

5.—(1) The scheme operator must operate the financial assistance scheme in accordance with the requirements of these Regulations.

(2) The scheme operator must—

- (a) establish the eligibility criteria for the financial assistance scheme in accordance with regulation 10;
- (b) provide a service to—
 - (i) advise enquiring candidates about the scope and parameters of the financial assistance scheme, and

- (ii) assist candidates with the process of applying for financial assistance under the financial assistance scheme;
- (c) determine whether applications received meet the established eligibility criteria in subparagraph (a);
- (d) allocate the financial assistance to which a candidate is or may be eligible;
- (e) make arrangements for the payment and distribution of the approved financial assistance;
- (f) ensure, as far as reasonably practicable, that appropriate safeguards are put in place to protect from any fraudulent applications and avoid any erroneous payments being made from the financial assistance scheme;
- (g) take reasonable steps to promote and raise public awareness of the financial assistance scheme and how it may be accessed.

Delegation of functions conferred on scheme operator

6. Subject to regulation 7(3), the scheme operator may authorise the persons listed in paragraphs (a) and (b) to discharge any of its functions under the financial assistance scheme—

- (a) a member of staff;
- (b) where the scheme operator is a body, the members of the body or a committee of the body.

7.—(1) The scheme operator may establish a panel, referred to as a “decision-making panel”, to exercise the functions of the scheme operator listed in regulation 5(2)(c) to (e).

(2) Members appointed to the decision-making panel must—

- (a) be appointed via an application process determined by the scheme operator, and
- (b) meet the criteria set out in regulation 4(2)(a) and (b) and (3).

(3) Where the scheme operator establishes a decision-making panel under paragraph (1), it must not delegate those functions to persons listed under regulation 6.

Guidance

8.—(1) The scheme operator must also provide guidance about the operation of the financial assistance scheme.

(2) The guidance must specify the following information—

- (a) the eligibility criteria for a successful application for financial assistance;
 - (b) the types of support or adjustments, which incur additional costs for disabled candidates, for which financial assistance from the financial assistance scheme may be approved;
 - (c) details of the application process for the financial assistance scheme, including any application form and timescales for submitting applications;
 - (d) details of the decision-making and allocation processes, including the timescales for determining applications and the payment and distribution of any approved financial assistance;
 - (e) details of any complaints or review process regarding decisions made in response to applications.
- (3) The guidance may include other information that assists the scheme operator in carrying out its functions in relation to the operation of the financial assistance scheme.
- (4) The scheme operator must—
- (a) publish the guidance on its website, and
 - (b) take reasonable steps to ensure that the guidance is accessible to users.

PART 3

DISABLED CANDIDATES SCHEME

The scheme

9.—(1) Subject to paragraphs (2) to (4), the financial assistance scheme must provide financial assistance towards additional costs reasonably incurred by a candidate to obtain support or adjustments to overcome barriers relating to their disability that impact on their participation in a Welsh election.

(2) Any additional costs incurred by a candidate under paragraph (1) must be connected to the candidate’s disability.

(3) Financial assistance provided under the scheme must only be paid in respect of additional costs reasonably incurred for support or adjustments used during the specified period.

(4) Financial assistance provided under the financial assistance scheme must not place the candidate at an advantage in pursuit of elected office.

(5) In this regulation, “specified period” means from the date a candidate at a Welsh election is

validly nominated as a candidate at that election to the day that the results of that election are declared.

Eligibility criteria for successful application

10.—(1) The eligibility criteria required by regulation 5(2)(a) must include the following conditions—

- (a) to apply for financial assistance under the financial assistance scheme, a candidate must be eligible to be a candidate at a Welsh election;
- (b) to receive financial assistance under the financial assistance scheme, a candidate must be validly nominated as a candidate at a Welsh election;
- (c) a candidate must meet the definition of disabled and any impairment must be present when—
 - (i) a candidate makes an application for financial assistance under the financial assistance scheme, and
 - (ii) during the period when a candidate is in receipt of any financial assistance under the financial assistance scheme.

(2) For the purposes of paragraph (1)(a), a candidate is eligible to be a candidate at a Welsh election if—

- (a) in relation to a Senedd Cymru election, they are not disqualified from being a candidate to be a Member of the Senedd under section 16(A1) of the Government of Wales Act 2006⁽¹⁾;
- (b) in relation to an election of members of a county or county borough council or a community council, a candidate—
 - (i) is qualified to be elected as councillor in accordance with section 79 of the Local Government Act 1972⁽²⁾, and
 - (ii) is not disqualified from being elected as councillor—

(1) 2006 c. 32. Section 16(A1) was inserted by section 29(2) of the Senedd and Elections (Wales) Act 2020 (anaw 1).

(2) 1972 c. 70. Section 79 has been amended by sections 231, 235 and 237 of, and Schedule 13 to, the Education Reform Act 1988 (c. 40); paragraph 5(2) of Schedule 3 to the Local Government and Public Involvement in Health Act 2007 (c. 28); section 17(4) of, and paragraph 43 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22); section 19 of the Local Government and Elections (Wales) Act 2021 (asc 1); and S.I. 1995/1948. Other amendments have been made to section 79 which are not relevant here.

- (aa) by any reason set out in section 80A of the Local Government Act 1972⁽¹⁾,
- (bb) because of any decision made under section 79 of the Local Government Act 2000⁽²⁾, or
- (cc) for holding a politically restricted post as set out in section 1(1) and (1A) of the Local Government and Housing Act 1989⁽³⁾.

Application and assessment process

11.—(1) An application for financial assistance under the financial assistance scheme must—

- (a) be made in such form,
- (b) be submitted in such manner, and
- (c) include such information,

as may be specified by the scheme operator.

(2) An application must be made within any timescales specified by the scheme operator.

(3) A candidate must provide any other documents or information as may be requested by the scheme operator on or after receipt of the application.

(4) The scheme operator must, within the specified timescales—

- (a) reject or refuse to approve an application, or
- (b) approve an application in whole or in part, unconditionally or subject to such conditions as it may determine, and
- (c) notify the candidate of its decision.

(5) All applications must be considered and determined on an anonymised basis.

(6) For the purpose of this regulation, “specified” means specified in guidance published by the scheme operator in accordance with regulation 8.

Payment of financial assistance

12.—(1) Where an application under the financial assistance scheme is made before a candidate (“C”)

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- (1) Section 80A was inserted by section 20 of the Local Government and Elections (Wales) Act 2021 and was amended by section 62 of the Elections and Elected Bodies (Wales) Act 2024.
 - (2) 2000 c. 22. Section 79 has been amended by section 199 of the Local Government and Public Involvement in Health Act 2007 (c. 28); Schedule 25, Part 5 to the Localism Act 2011 (c. 20); and S.I. 2022/372.
 - (3) 1989 c. 42. Subsection (1A) was inserted by paragraph 6 of Schedule 5 to the Local Government and Elections (Wales) Act 2021 and subsequently amended by S.I. 2021/1349 (W. 348).

is validly nominated at a Welsh election, the scheme operator must take such steps as are practicable to make arrangements to ensure that any approved financial assistance is paid to C as soon as practicable after the date on which C is validly nominated.

(2) In all other instances, the scheme operator must take such steps as are practicable to ensure that—

- (a) C's application is determined as soon as practicable after it is received, and
- (b) any approved financial assistance is paid to C as soon as practicable after C's application is approved by the scheme operator.

(3) The scheme operator may pay the approved financial assistance—

- (a) as a direct payment to the supplier of the approved support or adjustments, or
- (b) subject to paragraph (4), as a direct payment to C who must make their own arrangements to obtain the approved support or adjustments.

(4) A scheme operator must not provide payment of the approved financial assistance to C under paragraph (3)(b) unless it is satisfied that C—

- (a) has properly incurred or will properly incur the cost for the approved support;
- (b) has complied or will comply with any conditions of the approved financial assistance.

(5) For the purposes of paragraphs (1) and (2), the scheme operator may require C to provide information evidencing expenditure or any necessary actions relating to the approved financial assistance.

Notice of recovery of payment

13.—(1) The scheme operator may give notice to require the repayment of any part of any financial assistance paid to a candidate under the financial assistance scheme.

(2) Before giving notice under paragraph (1), the scheme operator must be satisfied that—

- (a) the approved application in respect of which the payment was made, or any supporting information provided by a candidate in relation to it, contained information that was inaccurate or misleading,
- (b) any financial assistance paid was used for a purpose other than the purpose for which it was paid, or
- (c) any condition subject to which the application was approved, or financial assistance was paid, has not been, or cannot be, complied with.

(3) A notice given under paragraph (1) must require the candidate to repay the sum specified in the notice within a period so specified, being no less than 28 days from the date on which the notice is issued.

(4) Where any part of the sum specified in a notice under paragraph (1) is not repaid within a period so specified, the scheme operator may recover the amount that remains outstanding summarily as a civil debt.

PART 4

RECORDS AND REPORTING REQUIREMENTS

Records and accounts

14.—(1) The scheme operator must keep an up-to-date record and account of the following—

- (a) a summary of usage of the financial assistance scheme including—
 - (i) the number of applications received;
 - (ii) the type of support or adjustments requested by the candidates;
 - (iii) the outcome of the assessed applications, including the support or adjustments and costs which were approved;
 - (iv) the number of withdrawn applications and reasons for withdrawal;
- (b) all financial assistance payments made, and whether such payments were made directly to a candidate or directly to the suppliers of support or adjustments for the candidate;
- (c) an assessment of the cost of operating the scheme.

(2) The scheme operator must make the records and accounts referred to in paragraph (1) available for inspection upon notice by the Welsh Ministers.

(3) Any records and accounts provided to Welsh Ministers under paragraph (2)—

- (a) must be in an anonymised format, and
- (b) must not include information capable of identifying a candidate as the recipient of the approved financial assistance.

(4) The scheme operator must retain the records and accounts referred to in paragraph (1) for 2 years after the day of the poll of a Welsh election and then, unless otherwise directed by order of the High Court, the Crown Court or a magistrates' court, must cause them to be destroyed.

Reports

15.—(1) No later than 6 months after the day of the poll of a Welsh election, the scheme operator must publish a report.

(2) The report must include details of—

- (a) the number of approaches made to the scheme operator for financial assistance;
- (b) the number of applications received, approved and rejected;
- (c) the nature of the candidates' disabilities together with details of the support required for which financial assistance was requested;
- (d) circumstances when financial assistance was approved but not paid within a timescale that enabled the candidate to be assisted, and the reasons why;
- (e) the amount of financial assistance provided including a breakdown of the payments made;
- (f) the occasions when notice was provided by the scheme operator requiring the repayment of any part of financial assistance paid to a person under the financial assistance scheme;
- (g) feedback from candidates about their experience of using the financial assistance scheme.

(3) The report published under paragraph (1) must—

- (a) be in an anonymised format;
- (b) not include information capable of identifying a candidate as the recipient of the approved financial assistance;
- (c) not contravene data protection legislation (within the meaning of the Data Protection Act 2018⁽¹⁾).

PART 5

CONSEQUENTIAL AMENDMENTS

Representation of the People Act 1983

16.—(1) The Representation of the People Act 1983⁽²⁾ is amended as follows.

⁽¹⁾ 2018 c. 12.

⁽²⁾ 1983 c. 2. Schedule 4A was inserted by section 27(5) of the Electoral Administration Act 2006 (c. 22). See Schedule 2 to S.I. 2006/1972 for transitional provisions. Paragraph 7A of Schedule 4A was substituted by article 2 of S.I. 2019/352 and subsequently amended by article 5 of S.I. 2020/1320 (W. 291).

(2) In Schedule 4A (elections expenses: general exclusions), after paragraph 7A insert—

“**7B.** In respect of a local government election in Wales, a matter in respect of which expenses are paid or reimbursed in accordance with the financial assistance scheme established by the Welsh Elections Financial Assistance Scheme (Disabled Candidates) Regulations 2025 (S.I. 2025/ (W.)) (to the extent that the matter does not fall within paragraph 7A).”

**Senedd Cymru (Representation of the People)
Order 2025**

17.—(1) The 2025 Order is amended as follows.

(2) In Schedule 7 (election expenses: general exclusions), after paragraph 19 insert—

“**19A.** A matter in respect of which expenses are paid or reimbursed in accordance with the financial assistance scheme established by the Welsh Elections Financial Assistance Scheme (Disabled Candidates) Regulations 2025 (S.I. 2025/ (W.)) (to the extent that the matter does not fall within paragraph 17).”

Name

Cabinet Secretary for Housing and Local Government,
one of the Welsh Ministers

Date