

**Explanatory Memorandum to the Individual Candidate Election Expenses
(Senedd Elections) Code of Practice 2025**

This Explanatory Memorandum has been prepared by the Elections Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.14.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

15 December 2025

PART 1

Description

1. The Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025 ('the Code') gives guidance as to what does or does not fall within Part 1 or Part 2 of Schedule 7 of the Senedd Cymru (Representation of the People) Order 2025 ('the Conduct Order'). Those Parts are relevant to the definition of 'election expenses' and therefore, in particular, to what expenses a candidate is required to report.
2. Part 1 of Schedule 7 lists the matters in respect of which any expenses for the purposes of the candidate's election count as 'election expenses'. Part 2 lists the exclusions.
3. The Code gives guidance 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'. The Code supplements the definition of that phrase in article 65 of the Conduct Order.
4. The Code does not give guidance to those candidates standing for election to the Senedd on behalf of a political party (i.e. a party list candidate).

Matters of special interest to the Legislation, Justice and Constitution Committee

5. This version of the Code includes revisions made by the Electoral Commission to address issues identified in the version of the Code laid on 13 October 2025¹ and subsequently withdrawn.

Legislative background

6. The Electoral Commission has power under paragraph 20 of Schedule 7 to the Conduct Order to prepare a code of practice giving guidance as to Individual Candidate Election Expenses.
7. The draft Code was prepared by the Electoral Commission and initially submitted to the Welsh Ministers for approval in October. The Welsh Ministers approved the draft Code with modifications, and, at the same time as the Code, laid before the Senedd a statement of reasons for making these modifications. This version was later withdrawn, following consideration by the Legislation, Justice and Constitution Committee.
8. This revised draft Code is laid before the Senedd by the Cabinet Secretary for Housing and Local Government under paragraph 20 of Schedule 7 to the Conduct Order. The Code incorporates amendments and has undergone additional equivalence checking. The Welsh Ministers have approved the

¹ [SL\(6\)655 - The Individual Candidate Election Expenses \(Senedd Elections\) Code of Practice 2025 - WITHDRAWN](#)

revised Code without modification, therefore no Statement of Reasons is required.

9. The draft Code will follow the draft negative procedure. Unless the Senedd resolves not to approve the draft within 40 days of it being laid, the Code will be issued by the Welsh Ministers, brought into force by the Welsh Ministers by order and published by the Electoral Commission.

Purpose and intended effect of the legislation

10. The amount that can be spent on candidate election expenses is limited by the [Conduct Order](#). A spending limit applies in relation to a particular period, often referred to as a 'regulated period'.
11. The regulated period for the 2026 Senedd election begins on 7 January 2026, and ends on polling day, 7 May 2026.
12. The Code gives guidance as to what does or does not fall within Part 1 or Part 2 of Schedule 7 to the Conduct Order.
13. Those Parts are relevant to the definition of 'election expenses' and therefore, in particular, to what expenses a candidate is required to record as an election expense.
14. Part 1 of Schedule 7 lists the matters in respect of which any expenses for the purposes of the candidate's election count as 'election expenses'. Part 2 lists the exclusions.
15. The Code also gives guidance 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'. The Code supplements the definition of that phrase in article 65 of the Conduct Order.
16. Candidates must either appoint an agent to oversee their spending or act as their own agent. The agent has responsibilities for incurring and paying for candidate election expenses – see articles 47 and 44 of the Conduct Order respectively.
17. Article 54 requires an agent of candidate to submit a return of election expenses. Article 55 requires both the agent and the candidate to make a declaration as to the accuracy of the return.
18. Article 56 requires each candidate on a registered party's regional list to make a declaration as to election expenses.
19. Where a candidate or agent does not follow the Code they are likely to be in breach of the statutory requirements relating to election expenses. This could result in a prosecution for a corrupt and/or illegal practice under articles 121 and/or 122 of the Conduct Order i.e. a fine and, in respect of a corrupt practice, potential imprisonment.

20. Where a candidate or agent is found personally guilty of a corrupt practice, they are disqualified from holding elective office for a period of five years. For an illegal practice, they are disqualified for three years. The candidate's election may be void.

21. The Code applies to elections to the Senedd.

Consultation

22. The Code was prepared by the Electoral Commission following consultation with interested persons and bodies, including representatives of political parties, the Welsh Government and the Senedd Commission. [Consultation on the Code of Practice for individual candidates at Senedd elections | Electoral Commission](#)

23. Changes to the Code post-consultation include reference to the financial assistance scheme for disabled candidates. The wording of the relevant secondary legislation was not available at the time the Code was first drafted and so this had to be added at a later date.

24. The Welsh Government laid the Code before the Senedd, on behalf of the Electoral Commission. Following consideration of the Code by the Legislation, Justice and Constitution Committee, the Welsh Government withdrew the Code. The Electoral Commission then made a number of minor technical and presentational changes to address the Committee's reporting points. The Welsh Government supported the Electoral Commission with this and commissioned external equivalence checking to address points relating to equivalence of English and Welsh versions of the Code. These changes did not affect the purpose and intended effect of the Code.

Regulatory Impact Assessment (RIA)

25. Relevant Welsh Subordinate Legislation for which a Regulatory Impact Assessment must be carried out is defined in section 76(2)(b) of the Government of Wales Act 2006 as subordinate legislation that is made by the Welsh Ministers, the First Minister or the Counsel General and is required to be laid before the Senedd.

26. The Code has been prepared by the Electoral Commission under paragraph 20 of Schedule 7 to the Conduct Order and has not been made by the Welsh Ministers, the First Minister or the Counsel General. As such, the Code does not satisfy the section 76 criteria and a Regulatory Impact Assessment is therefore not required.