

Explanatory Memorandum to the Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026

This Explanatory Memorandum has been prepared by Elections Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026. I am satisfied that the benefits justify the likely costs.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

10 February 2026

PART 1

1. Description

1. The Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026 (“the Exclusion Order”) makes an amendment to paragraph 13A of Schedule 4A to the Representation of the People Act 1983 (“RPA 1983”).

2. This ensures ensure that candidates at local government elections will not, as part of their election expenses, have to account for reasonable expenses incurred in providing for their personal security and the protection of property. This is in line with the position for candidates at Senedd elections, and in line with the wider UK approach.

3. The Exclusion Order goes together with the Local Elections (Wales) (Amendment) Rules 2026 (“the Amendment Rules”) which amend legislation relating to the conduct of local elections in Wales to bring the rules and procedures for those elections up to date with changes to policy and in line with other Welsh elections legislation.

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

4. None.

3. Legislative background

5. Welsh Ministers are empowered to make the Exclusion Order under paragraph 15(1) of Schedule 4A to RPA 1983.

6. In accordance with paragraph 15(3) of Schedule 4A to RPA 1983, the Welsh Ministers have consulted with the Electoral Commission prior to the Order being made.

7. This Order is presented to be laid before the Senedd under paragraph 15(2) of Schedule 4A of RPA 1983 and is subject to approval by resolution of Senedd Cymru.

8. Before making an amendment to Schedule 4A of RPA 1983 there is a statutory duty to consult with the Electoral Commission under paragraph 15 of Schedule 4A to the RPA 1983.

9. The Electoral Commission were formally consulted under RPA 1983 to satisfy the statutory duty.

4. Purpose and intended effect of the legislation

10. The intended effect of the Exclusion Order is to bring campaign expenditure in local government elections in Wales in line with recent changes made for

Senedd elections by the Senedd Cymru (Representation of the People) Order 2025 (“the Conduct Order”) and the Political Parties, Elections and Referendums Act 2000 (Exclusions and Variation of Campaign Expenditure Limits) (Wales) Regulations 2025.

11. For elections to the Senedd, we have made some changes to ensure that reasonable expenses can be incurred to provide for the personal security of candidates and for the protection of property, and that those expenses are excluded from a candidate’s campaign expenses. A separate piece of legislation is required to make the same change for local government elections.

12. The change to local government elections requires an amendment to be made to paragraph 13A of Schedule 4A to RPA 1983. The amendment will ensure that candidates at local government elections will not, as part of their election expenses, have to account for reasonable expenses incurred in providing for their personal security and the protection of property.

13. The coming into force date for the SI will be 13 March 2026, however, the legislation will come into effect in relation to local government elections from 7 May 2026.

14. Whilst this does not meet the Gould principle, it is important the changes take place as soon as possible to protect the safety of candidates. Furthermore, this is a straightforward change, bringing rules into alignment with other elections in Wales and England and guidance can be updated quickly. Also, this amendment does not require any administrative changes to the systems used to run elections.

5. Consultation

15. A 12-week consultation ran from 20 October 2025 to 12 January 2026 on the draft Exclusion Order. The consultation was drawn to the attention of a wide audience of key election stakeholders including Returning Officers, elections administrators, the Electoral Commission and local authorities. The consultation also included the Amendment Rules.

16. There is a statutory duty under paragraph 15(3) of Schedule 4A to RPA 1983 that the Welsh Ministers must consult with the Electoral Commission prior to the Order being made. A letter was sent to the Electoral Commission to satisfy this requirement.

17. There was broad agreement to the proposals in the consultation and no amendments were considered necessary to the draft Order in light of the consultation responses.

18. The consultation documents and a summary of the responses are available at: [Changes to local government elections rules in Wales | GOV.WALES](#)

6. Regulatory Impact Assessment (RIA)

PART 2 - REGULATORY IMPACT ASSESSMENT

1. Options

Option 1 – Business as usual. Candidates at local government elections in Wales would still have to account for reasonable expenses incurred for personal security and protection of property.

Option 2 – To make the Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026.

2. Cost and benefit analysis

Option 1 – Business as usual

19. Were Option 1 to be followed, it would mean no change to the current accounting requirements for security expenses for candidates at local government elections in Wales. This would be out of step with Senedd elections, and wider UK elections.

20. If Option 1 were to be followed, this would create disparity for candidates at local government elections in Wales and risks compromising the safety and security of candidates.

21. If nothing is done, then this may heavily reduce the ability of candidates to campaign in that election, which is a fundamental part of the democratic process in Wales.

Option 2 – Make the Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026

22. Option 2 would ensure that candidates at local government elections in Wales will not, as part of their election expenses, have to account for reasonable expenses incurred in providing for their personal security and the protection of property. This is in line with arrangements for Senedd elections and wider UK elections.

Cost

23. As the Exclusion Order relates to spending and expenses of candidates, which is not funded by public money, there are no financial costs to the public.

Benefits

24. The benefit of making the legislation is that it supports the safety of candidates during election campaigns and ensures consistency with the way candidate expenses are treated in all other elections.

Preferred Option

25. Option 2 would deliver a consistent approach across all Welsh and UK elections, improving consistency and supporting the safety of candidates during elections.

Other impacts

26. A full Integrated Impact Assessment was carried out on the impact of the Exclusion Order and the associated Amendment Rules.

27. Section 1 and section 8 of the Welsh Government's Integrated Impact Assessment for the Exclusion Order are available on the Welsh Government website.

Competition Assessment

28. The provisions within the Exclusion Order will not affect business, or charities and/or the voluntary sector in ways that raise issues related to competition. The competition filter has not been applied. The provisions in the Exclusion Order are not expected to have any impact on competition or place any restrictions on new or existing suppliers. The majority of the costs associated with the legislation are expected to fall on public bodies, who already meet these costs. The legislation is not expected to have any negative impact on small and medium sized enterprises in Wales.