

Explanatory Memorandum to The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026

This Explanatory Memorandum has been prepared by Elections Division for laying before Senedd Cymru alongside The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026. This is 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 Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

17 February 2026

1. Purpose and overview

- 1.1. The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026 (“the Appointed Day Order”) brings into force the Electoral Commission’s Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 on 18 February 2026.
- 1.2. The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 was laid in the Senedd on 15 December 2025.

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

- 2.1. None.

3. Legislative background

- 3.1. The Appointed Day Order is made under section 100C(8)(b) of the Political Parties, Elections and Referendums Act 2000 (“2000 Act”). Although the Appointed Day Order does not follow a Senedd procedure, it is still required to be laid before Senedd Cymru under section 37F of the Legislation (Wales) Act 2019.
- 3.2. The Electoral Commission has a duty under section 100A(1A) of the 2000 Act, to prepare a Code of Practice giving guidance on the operation of Part 6 of the 2000 Act for third parties during the regulated period for Senedd elections, including during a combined regulated period where applicable.
- 3.3. The draft Code of Practice was laid before Senedd Cymru on 15 December 2025 and is brought into force by the Appointed Day Order. The Code of Practice is issued, in the form of the draft laid before the Senedd, by the Welsh Ministers under section 100C(8)(a) of the 2000 Act and will be published by the Electoral Commission under section 100C(8)(c) of the 2000 Act.

4. Regulatory Impact Assessment (RIA)

- 4.1. An RIA has not been completed for the Appointed Day Order. This is in line with the exemption in section 3.2 of the Welsh Ministers’ code of practice for carrying out regulatory impact assessments for subordinate legislation.