

Explanatory Memorandum to The Individual Candidate Election Expenses (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 Individual Candidate Election Expenses (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 Individual Candidate Election Expenses (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 Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026 (“the Appointed Day Order”) brings into force the Electoral Commission’s Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025 on 18 February 2026.
- 1.2. The Individual Candidate Election Expenses (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 paragraph 20(7)(b) of Schedule 7 to the Senedd Cymru (Representation of the People) Order 2025 (“the Conduct Order”). 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 power under paragraph 20(2) of Schedule 7 to the Conduct Order to prepare a code of practice giving guidance as to individual candidate election expenses.
- 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 paragraph 20(7)(a) of Schedule 7 to the Conduct Order and will be published by the Electoral Commission under paragraph 20(7)(c) of Schedule 7 to the Conduct Order.

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.