

# SL(5)631 – The Representation of the People (Election Expenses Exclusion) (Wales) (Amendment) Order 2020

## Background and Purpose

This Order amends:

- The National Assembly for Wales (Representation of the People) Order 2007 (SI 20072007/236)
- The Representation of the People Act 1983
- The Political Parties, Elections and Referendums Act 1983

Currently, for Senedd elections and elections to local government in Wales, where a disabled candidate requires specially adapted measures or reasonable adjustments to participate in campaigning on a level basis with a non-disabled candidate, then such additional expenses are included either within their own or a political party's spending limits, as appropriate.

Further, for Senedd elections and elections to local government in Wales, where translation to or from Welsh is required this expense is also included within either a candidate's expenses, or a political party's campaign expenditure spending limits.

This Order makes amendments to the above-mentioned legislation to exclude the costs incurred or attributable to the translation of anything from English to or from Welsh form both a candidate's expenses and a political party's campaign expenditure limits, in accordance with the principle that Welsh should be treated no less favourably than English as provided by the Welsh Language Act 1993.

## Procedure

Affirmative.

## Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

## Merits Scrutiny

The following one point is identified for reporting under Standing Order 21.3 in respect of this instrument.

**1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**



We note the range of both the informal and formal consultation by the Welsh Government on these Regulations as referred to in paragraphs 5.1-5.4 of the Explanatory Memorandum. In particular, we note the Welsh Government approach in relation to their consultation with the Electoral Commission and the development of the drafting of this Order as set out below in the Explanatory Memorandum.

*The Electoral Commission has provided advice and points for consideration in the creation of an exemption from disability related expenses based on their assessment of the UK Government's legislation and most of those comments have been incorporated into the drafting of this Order. However, the Electoral Commission's recommendation that a reasonableness test be applied to the exemption for translation expenses was not included as this would introduce a disparity in relation to the approach taken with non-party campaigners.*

## Implications arising from exiting the European Union

None.

## Welsh Government response

A Welsh Government response is not required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**12 October 2020**

