

SL(6)655 – The Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025

Background and Purpose

The amount that can be spent on election expenses by or on behalf of individual candidates for Senedd elections is limited by the *Senedd Cymru (Representation of the People) Order 2025* (the '**2025 Order**').

Parts 1 and 2 of Schedule 7 to the 2025 Order are relevant to the definition of 'election expenses'.

The *Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025* (the '**Code**') gives guidance as to what does or does not fall within Parts 1 or 2 of Schedule 7 to the 2025 Order.

The Code does not give guidance to those candidates standing for election to the Senedd on behalf of a political party (i.e. party list candidates).

The draft Code was prepared by the Electoral Commission and submitted to the Welsh Ministers for approval. The Welsh Ministers approved the draft Code with relatively minor modifications. A statement of reasons for making each modification was laid in the Senedd at the same time as the Code.

Procedure

Draft Negative.

The Welsh Ministers have laid a draft of the Code before the Senedd. If, within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the draft being laid, the Senedd resolves not to approve the draft Code then the Welsh Ministers must not issue the Code.

If no such resolution is made, the Welsh Ministers must issue the Code in the form of the draft laid before the Senedd, the Code comes into force on the date appointed by the Welsh Ministers by order made by statutory instrument, and the Electoral Commission must arrange for the Code to be published in the manner it thinks appropriate.

Scrutiny under Standing Order 21.7

1. The Code makes two references to the fact that it has been "approved" by the Senedd (in paragraphs 1.2 and 1.6). We question this terminology.

Under paragraph 20(4) of Schedule 7 to the 2025 Order, the Welsh Ministers approve the Code and lay a copy before the Senedd.



Thereafter, the Code is subject to the draft negative procedure under which it will come into force unless the Senedd resolves that it should not be approved within 40 days. Such a resolution would (currently) be a motion for annulment under Standing Order 27.2(ii).

We acknowledge that it may be inferred that the Senedd approves the Code if it has not voted to annul it within 40 days. However, in our view the reference to the Senedd having "approved" the Code connotes that it has actively and consciously voted on a motion for approval under the affirmative resolution procedure in Standing Order 27.5.

We note that under the *Legislation (Wales) Act 2019* (as amended by the *Legislation (Procedure, Publication and Repeals) (Wales) Act 2025*), the draft negative procedure will be subsumed under the new Senedd annulment procedure from January 2026. In our view, it would be curious to describe an instrument subject to the Senedd annulment procedure as having been "approved" by the Senedd by virtue of the fact that the Senedd did not vote to annul it. This is especially the case given that there will be an entirely separate Senedd approval procedure.

Against this context, we invite the Welsh Government to revisit the terminology in paragraphs 1.2 and 1.6 of the Code to reflect that it has been laid before the Senedd, rather than having been "approved" by it.

2. It is unclear why "party list" has not been defined by reference to the 2025 Order (and specifically, article 2 of the 2025 Order), in a consistent manner with the definition of "Candidate" and "Election Expenses" under paragraph 1.3 of the Code.
3. In paragraph 1.3, there is no definition of "party list candidate" despite this term being used within the definition of "Candidate" in paragraph 1.3 and also in paragraph 1.4. The term "party list candidate" is a defined term in article 2(1) of the 2025 Order.
4. "Personal expenses" is defined under paragraph 1.3 of the Code by reference to article 37 of the 2025 Order. The second and third sentence of the definition seem to extend beyond the scope of a definition, and seem inconsistent with the rest of the definitions under paragraph 1.3.

In particular, the second sentence makes provision as to where personal expenses must be reported, and asserts that it does "not count towards the spending limit". This provision would seem to be more in-keeping with substantive provision in the body of the Code as it relates to the duties and requirements placed on individual candidates in connection with personal expenses.

5. The third bullet point under paragraph 1.4 refers to the definition of "*for the purposes of a candidate's election*" in article 65 of the 2025 Order. Whilst this phrase appears in article 65 of the Order, the underlying definition appears to be in article 37 of the 2025 Order.



6. In paragraph 3.3, in the text that is reproduced from Part 2 of Schedule 7 to the 2025 Order, in the English text, in paragraph 14 of Schedule 7, there is an error where it incorrectly notes “for the individual’s personal use”. However, it should be identical to the text found in that paragraph of Schedule 7 to the 2025 Order – “for the individual’s own personal use”.
7. The Code is prepared, laid and issued under Schedule 7 to the 2025 Order. There are numerous references to Schedule 7 in the Code. Paragraph 6.14 of Writing Laws for Wales provides that when referring to Schedules, the drafter should “refer to a “*Schedule to*”, not “*of*”, an Act [...]”. The following provisions in the Code are inconsistent with this convention:
 - Paragraph 1.2
 - Paragraph 1.6
 - Main heading to Section 3 of the Code
 - Paragraph 1.4, first bullet
 - Paragraph 2.1
 - Paragraph 3.3 (two instances)

We acknowledge that these are minor points in isolation, and that they do not impact on the understanding of the Code. However, we feel justified in reporting given that this inconsistency runs throughout the Code and appears in large prominent font in the main heading for Section 3.

8. A considerable number of inconsistencies have been identified between the English and Welsh texts of this Code.

The Committee notes that the Code has been prepared by the Electoral Commission. However, by the time the Code is laid in the Senedd, it has also been reviewed and approved by the Welsh Government.

The Welsh Government is asked for a response in relation to the points identified below and for confirmation of who undertook the translation or dual-drafting of this Code.

Inconsistencies between the Welsh and English texts

9. In paragraph 1.17, in the Welsh text, there is a difference between the English and Welsh text. In the Welsh text, the title of the statutory instrument is noted incorrectly as “Reoliadau Cynllun Cymorth Ariannol Etholiadau Cymru (Ymgeiswyr Anabl) 2025”. However, “Cymreig” rather than “Cymru” is noted in the title given by regulation 1(1) of those Regulations and it is noted correctly later in the provisions cited in paragraph 3.3 of the Welsh text.
10. In paragraph 2.5, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes “must not have their cost apportioned...” but the meaning given by the Welsh text is “should not have their cost apportioned...”.



11. In paragraph 4.4, there is a difference between the English and Welsh text. In the English text, it notes "a licensing fee for a software application" but the meaning given by the Welsh text is "a licensing fee or a software application".
12. In paragraph 4.7, in the Welsh text, the first bullet point does not make grammatical sense without a preposition such as "i'w" at the beginning of the bullet point to express "for" as already found at the beginning of the second bullet point.
13. In paragraph 8.2, there is a difference between the English and Welsh text. In the English text, it notes "the management and monitoring of social media channels or platforms" but the meaning given by the Welsh text is "*the management and monitoring of social media*". It is noted correctly elsewhere in similar phrases in the Welsh text of the Code, such as in paragraph 4.7.
14. In paragraph 9.1 (including the heading), there is a difference between the English and Welsh text in respect of the term "office space". The Welsh text used is "swyddfa", which only conveys "office", rather than "office space". We note that this is inconsistent with the draft Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 and Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 which both use "gofod swyddfa".
15. In paragraph 9.5, there is no "lle" at the beginning of the fourth bullet point to express the meaning of "where" which is found at the end of the words immediately before the third and fourth bullet points
16. In paragraph 9.5, in the bullet points within the box outlined in blue, there are several differences between the English and Welsh text as follows—
 - in the first bullet point, in the English text, it notes "to use in their campaign" but the meaning given by the Welsh text is "for their campaign";
 - in the second bullet point, in the English text, it notes "the phone contract charges" but the meaning given by the Welsh text is "the contract charges";
 - in the third bullet point, in the English text, it notes "for their own personal use" but the meaning given by the Welsh text is "for personal purposes". This is particularly significant because the Welsh does not use the defined term for "personal use" which is noted in paragraph 9.6;
17. at the end of the third bullet point, in the English text, it notes "count as candidate spending" but the meaning given by the Welsh text is "count as spending". It is also inconsistent with the end of the previous bullet points where the meaning of "candidate spending" is correctly noted in the Welsh text.

Inconsistent use of terms in the Welsh text

18. In paragraph 1.2, in the Welsh text, the term "*dyroddi*" is used in the heading to express the meaning of "*issue*" but a different term "*cyhoeddi*" is used in the body of that



paragraph. Therefore, it is inconsistent and suggests to the reader of the Welsh text that different terms are being used to express a different meaning although the context is identical.

19. In the Welsh text of the Code, the meaning of the word “apply” has been expressed in the majority of places by using “perthnasol”, e.g. the opening words of paragraph 1.3 and in paragraphs 1.5 and 1.9. However, this term is also used to express the term “relevant” elsewhere in the Welsh text of this Code. Therefore, the reader of the Welsh text will not be able to distinguish between the meaning of “relevant” and “apply” when reading the Code. It is particularly problematic in paragraph 3.1 where it notes “The lists below are matters which are relevant for the purposes...” before noting “This Code applies to notional spending...” in paragraph 3.2 although “berthnasol” is used in both places in the Welsh text. The term “apply” has been fully standardised as “bod yn gymwys” in the Glossary of the Welsh Government’s Legislative Translation Unit. It is already used in a few places in the Welsh text to express “apply” such as the definition of “regulated period” in paragraph 1.3 and also in paragraph 1.18.
20. In the Welsh text of the Code, the meaning of the term “incurred” has been expressed by using “ysgwyddir” in the majority of places. However, “mynd i” is the fully standardised phrase noted for “incur” in the Glossary of the Welsh Government’s Legislative Translation Unit. The standardised phrase is used in paragraphs 9.1, 9.3 and 9.5 which means that there is also an inconsistency in the Welsh text of the Code. Separately, we note that “incur” is not defined in paragraph 1.3 of this Code, in contrast to the Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025.
21. In paragraph 1.3, in the Welsh text, the definitions of “Election agent” and “Election expenses” are slightly different from that found in articles 39 and 65 respectively of the 2025 Order. The definition “asiant etholiadol” is used for “Election agent” in the Code, but “asiant etholiad” is the term used in the Welsh text of article 39 of the 2025 Order. Likewise, the definition “treuliau etholiadol” is used for “Election expenses” in the Code, but “treuliad etholiad” is the term used in the Welsh text of article 65 of the 2025 Order. The latter difference is also apparent in the Welsh text of paragraph 1.12 where “treuliau etholiadol” is noted in the opening words but “treuliad etholiad” is noted in the cited provisions of article 65 of the 2023 Order, and also in paragraph 1.13.
22. In the Welsh text of the Code, the meaning of the term “at a discount” in the same context has been expressed by using both the phrases “am bris gostyngol” and “ar ddisgownt” – e.g., see the definition of “notional spending” in paragraph 1.3, and also paragraphs 1.20, 9.1 and 9.3. Therefore, there is an inconsistency in the Welsh text of the Code.
23. In paragraphs 2.10, 4.15 and 5.15, in the Welsh text, “reported” has been expressed by using the phrase “rhoi gwybod am[danynt]”. However, the phrase “adrodd am[danynt]” has been used for “report” in the same context elsewhere in the Welsh text of the Code. Therefore, there is an inconsistency in the Welsh text of the Code.



24. In the Welsh text of the Code, "premises" has been expressed by using the term "safle" which is noted on Term Cymru with a status A for use in a general context. However, it does note on Term Cymru with a status A that "mangre" is the standardised term for the meaning of "premises" in a legal context. Therefore, we query whether "mangre" rather than "safle" should have been used to express the meaning of "premises" in the legal context of this Code. In addition, in the reproduced Welsh text of Schedule 7, Part 1, paragraph 4, "mangre" is used to express "premises" although "safle" is used for that term in the Welsh text of paragraph 7.1 immediately afterwards. Therefore, there is also an inconsistency in the Welsh text between the terminology of the 2025 Order and of the Code.
25. In the Welsh text of the Code, there is an inconsistency between the use of "cyfarpar" and "offer" to express the meaning of "equipment" in the same context. For example, in the heading of paragraph 4.1 "cyfarpar" is used to express the meaning of "equipment" but "offer" is subsequently used in the fourth bullet point of that paragraph. In addition, in places such as paragraph 4.14, "offer" is used to express "equipment" in the phrases "photocopying equipment" and "printing equipment" but "cyfarpar" is used in the subsequent bullet points of that paragraph when referring back to the same equipment. Furthermore, "cyfarpar" rather than "offer" is used in the same phrase "photocopying equipment" immediately afterwards in paragraph 4.15 (as occurs in paragraphs 5.13 to 5.15).
26. In paragraph 4.1, in the fifth bullet point, "advertising material" is expressed as "deunydd ar gyfer hysbyseb" in the Welsh text. But in the sixth bullet point of that paragraph and elsewhere in the Welsh text of the Code, "deunydd hysbysebu" is used to express "advertising material". Therefore, the Welsh text of the fifth bullet point of paragraph 4.1 is inconsistent with the rest of the Code when referring to "advertising material" in the same context.
27. In paragraph 9.5, the Welsh text is inconsistent because it notes "prynodd" to express "acquired" in the third bullet point, but in the fourth bullet point it notes "caffael" when also referring to "acquired" in the same context. In addition, "caffael" has been used elsewhere in the Welsh text of the Code to express the meaning of "acquired", e.g. paragraphs 4.14 and 5.13.
28. In the heading above paragraph 9.9, in the Welsh text, the meaning of "employees" has been expressed by using "chyflogeion", but in the body of paragraph 9.10 a different word "gweithwyr" has been used in the same context. Therefore, the terminology is inconsistent and could suggest to the reader of the Welsh text that the heading notes "employees" and that paragraph 9.10 notes "workers".

Government response

A Welsh Government response is required.



Legal Advisers
Legislation, Justice and Constitution Committee
29 October 2025



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