

SL(6)656 – The Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025

Background and Purpose

The Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 ('the Code') gives guidance as to what does or does not fall within the scope of paragraphs 1 and 2 of Part 1 of Schedule 8 to the Political Parties, Elections and Referendums Act 2000 ('PPERA 2000').

Those paragraphs are relevant to the definition of 'campaign expenditure' and therefore, in particular, to what expenses a political party is required to report to the Electoral Commission. Paragraph 1 lists the expenses which qualify when incurred for election purposes. Paragraph 2 lists the exclusions.

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 modifications. As the draft Code incorporates modifications, the Cabinet Secretary for Housing and Local Government has laid before the Senedd a statement of reasons for making those modifications at the same time as the draft Code was laid.

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) and the Code comes into force on a day specified in an order made by the Welsh Ministers, and is published by the Electoral Commission.

Scrutiny under Standing Order 21.7

The following points are identified for reporting under Standing Order 21.7 in respect of this Code of Practice.

- (i) Inconsistencies between the meaning of the English and Welsh texts.

A number of inconsistencies have been identified as 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.

1. In paragraph 1.3, the definition of "Regulated period" has been expressed by using the term "cyfnod rheoleiddiedig" in the Welsh text. However, in the Welsh text of the other related Codes, a different term "cyfnod a reoleiddir" has been used for "Regulated period". The choice of term to express the meaning of "Regulated period" should be consistent in the Welsh text of all the Codes.
2. 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.
3. 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 1.7 to 1.9. However, this term is also used to express the term "relevant" elsewhere in the Welsh text of this Code such as in paragraph 1.5. 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 also particularly problematic in paragraph 3.1 where it notes "lists of matters which are relevant for the purposes..." before noting "This Code applies to notional spending..." in paragraph 3.3 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.
4. In paragraph 1.27, in the third bullet point, there is a difference between the English and Welsh text. In the English text, it notes "were to be (or are)" but it could be argued that it only clearly states "were to be" in the Welsh text. Where the related phrase "they would be (or are)" is used later in the same bullet point in the English text, the meaning is expressed clearly in the Welsh text by noting "y byddent neu eu bod".
5. In paragraph 2.1, there is a difference between the English and Welsh text. In the English text, it notes "must not" but the meaning given by the Welsh text is "should not".
6. In paragraph 2.5, in the final sentence within the box outlined in blue, there is a difference between the English and Welsh text. In the English text, the sentence notes "At subsequent elections, the party only reports the upkeep and maintenance of the software and database.". But in the Welsh text, the entire sentence is missing other than part of the opening words "At elections...".
7. In the Welsh text, the meaning of the term "incurred" has been expressed by using "ysgwyddir" in the majority of places in the Code. However, "mynd i" is the fully



standardised phrase noted for “incur” in the Glossary of the Welsh Government’s Legislative Translation Unit. In this regard, “mynd i” is used to express “incurs” in paragraph 2.12 which means that there is also an inconsistency in the Welsh text of the Code.

8. In paragraph 2.13, there is a difference between the English and Welsh text. In the English text, it notes “count towards the spending limit” but the meaning given by the Welsh text is “considered towards the spending limit”. It is also inconsistent with the Welsh text of the previous paragraphs of the Code where the same phrase has been expressed correctly as meaning “count towards the spending limit” in the same context, e.g., paragraphs 2.7, 2.9 and 2.10.
9. In paragraph 3.1, there is a difference between the English and Welsh text. In the English text, it notes “This part of the Code sets out a non-exhaustive lists...” but the meaning given by the Welsh text is “This part of the Code includes non-exhaustive lists...”. Therefore, the Welsh text notes “includes” rather than “sets out” and the English text is also grammatically incorrect because it notes “a non-exhaustive lists”.
10. In paragraph 4.1, there is a difference between the English and Welsh text. In the English text of the Code, it notes “premises”, but the meaning given by the Welsh text is “property” (“eiddo”). The Welsh text continues to use the same word “eiddo” in all of the following provisions throughout the Code. In addition, there is also an inconsistency in the Welsh text between the terminology of the related Codes because a different word “safle” has been used to convey the meaning of “premises” in one of the other Codes. However, it does note on Term Cymru with a status A, and in the Glossary of the Welsh Government’s Legislative Translation Unit, that “mangre” is the standardised term for the meaning of “premises” in a legal context.
11. In paragraph 5.2, there is a difference between the English and Welsh text. In the English text, it notes “images”, but the meaning given by the Welsh text is “pictures” (“lluniau”). In addition, the more commonly used word “delweddau” is used to correctly express the meaning of “images” in the following provisions such as paragraphs 5.12 and 6.12 etc. Therefore, there is also an inconsistency in the Welsh text of the Code.
12. In paragraph 6.11, there is a difference between the English and Welsh text. At the end of the first sentence of the Welsh text, the words “ar y cyfryngau cymdeithasol, yn ddigidol neu fathau eraill” which means “social media, digital or other forms” are repeated again for no apparent reason although they have already been noted correctly earlier in that sentence.
13. In paragraph 9.6, there is a difference between the English and Welsh text. In the English text, it notes “or other dealings with the media” but the meaning given by the Welsh text is “and any other activities with the media”. It is also inconsistent with paragraphs 9.1, 9.3 and 9.4 where a different, more accurate phrase has been used to express the meaning of “or other dealings with the media” in the Welsh text of the Code.



14. In paragraphs 11.1 and 11.5 to 11.7, in the final bullet points, there is a difference between the English and Welsh text. In the English text, it notes "live streaming or broadcasting", but the meaning given by the Welsh text is "streaming or broadcasting". In addition, it is also inconsistent with paragraph 11.3 where a different phrase is used in the Welsh text, which does convey the meaning of "live" in the similar phrase "live streamed or broadcast".

(ii) Use of definitions in paragraph 1.3

Clarification is sought in relation to the following points raised relating to paragraph 1.3:

15. In the definition of "Appropriate amount", should it refer to any other paragraphs in the Code for the meaning of that term such as paragraphs 1.28 and 1.29?

16. In the definition of "Campaign expenditure" should it refer to any other paragraphs in the Code for the meaning of that term such as paragraphs 1.5, 1.19 or 1.22?

17. In the definition of "Notional spending" should it refer to any other paragraphs in the Code for the meaning of that term such as paragraph 1.27?

18. The term "Party list candidate" has been defined for this Code. However, a term should not be defined unless it is actually used in an Act, instrument, or an enactment such as this Code – see WLW 4.3(1). This term does not appear to be used anywhere in the Code and therefore should not have been defined in paragraph 1.3.

19. There is no definition of the term "Candidate" in paragraph 1.3, although that term is used in the definition of "Party list candidate" and elsewhere throughout the Code. The term "Candidate" has been defined in the other related Codes.

(iii) Other drafting issues

20. In paragraph 1.22, the reference to "section 72" should also note "PPERA" to identify the Act where that section is found.

21. In paragraph 1.33, it refers to "the Commission". However, this term has not been defined in the Code although "the Electoral Commission" is defined as "the Commission" by section 160(1) of PPERA for that Act. Therefore, it would have been helpful to the reader if the name of the body "the Electoral Commission" has been noted in full, or if the term had been defined in this Code, particularly as there is already a reference to "the Senedd Commission" in paragraph 1.1 of the Code

Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

28 October 2025



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