

SL(6)657 – Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025

Background and Purpose

The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 ('the Code') gives guidance as to the operation of Part 6 of Political Parties, Elections and Referendums Act 2000 ('PPERA 2000') for third parties during the regulated period for Senedd elections including during a combined regulated period where applicable.

The Code sets out:

- what a non-party campaigner is;
- what non-party campaigning is;
- the kinds of expenses which are qualifying expenses;
- the circumstances in which expenses are or are not to be regarded as incurred for the purpose of promoting or procuring electoral success;
- the kinds of expenditure which is treated as notional controlled expenditure or donations;
- the circumstances which will be regarded as joint campaigning;
- what targeted controlled expenditure is and when it is relevant; and
- the recording and reporting requirements (including for combined regulated periods).

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 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.

(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 1.1, there is a difference between the English and Welsh text. In the English text, it notes "by the Welsh Ministers" but the meaning given by the Welsh text is "by **one of** the Welsh Ministers".
2. In paragraph 1.2, there is a difference between the English and Welsh text. In the English text, it notes "in accordance with 100C PPERA" but the meaning given by the Welsh text is "in accordance with **section** 100C PPERA". This also occurs in paragraph 1.10, in the definition of "Reporting threshold" where it refers to "94(5) PPERA" in the English text but the meaning given by the Welsh text is "**section** 94(5) PPERA".
3. In paragraph 1.10, in the definition of "Relevant election", there is a difference between the English and Welsh text. In the English text, in the first bullet point, it notes "UK parliamentary elections" but the meaning given by the Welsh text is "Westminster parliamentary elections". The abbreviated term "UK" has been fully standardised as "DU", or "y Deyrnas Unedig" if using the full phrase, by the Glossary of the Welsh Government's Legislative Translation Unit.
4. In paragraph 2.12, there is a difference between the English and Welsh text. In the English text, the reference notes "PPERA" which is the defined term for the Political Parties, Elections and Referendums Act 2000 noted in paragraph 1.10 of the Code. However, in the Welsh text, the title of that Act has been repeated in full in the reference rather than using the definition that was given by paragraph 1.10. In addition, the year "2000" is also missing from the title that is used in the Welsh text of paragraph 2.12.
5. In paragraph 3.5, there is a slight difference between the English and Welsh text. In the English text, it notes "Non-party campaigner spending before an election is regulated" but the meaning given by the Welsh text is "Non-party campaigner spending **in the period** before an election is regulated".



6. In paragraph 3.7, there is a difference between the English and Welsh text. At the end of the English text, it notes "ending **on that date**" but the meaning given by the Welsh text is "ending **on the new poll date**" as found at the end of paragraph 3.6.
7. In paragraph 3.10, there is a difference between the English and Welsh text. In the English text, it notes "relevant part **of the UK**" but the meaning given by the Welsh text is "relevant part **of the countries of Britain**". This is significant because "the UK" includes Northern Ireland but "the countries of Britain" are Wales, England and Scotland. This problem occurs throughout the Welsh text of the Code and is particularly problematic in paragraph 4.2 in the list of bullet points where the same phrase meaning "countries of Britain" is used on each occasion for "UK". The term "UK" has been fully standardised as "DU", or "y Deyrnas Unedig" if using the full phrase, by the Glossary of the Welsh Government's Legislative Translation Unit.
8. In paragraph 3.19, there is a difference between the English and Welsh text. In the English text, it notes "or **implicitly** promotes" but the meaning given by the Welsh text is "or promotes". In addition, the meaning of the word "implicit" has been conveyed in the Welsh text of paragraph 3.18, so it is also inconsistent.
9. In paragraphs 3.38 and 3.44, there is a difference between the English and Welsh text. In the English text, it notes at the end of the paragraph, "this will not be **regulated**" but the meaning given by the Welsh text is "this will not be **a regulated activity**". In addition, the Welsh text is inconsistent with the end of provisions such paragraph 3.42 where a more literal phrase has been used that means "will not be regulated".
10. In paragraph 5.6, there are a few differences between the English and Welsh text. In the English text, in the second sentence, it notes "do not need to be reported again **in the spending return**" but the meaning given by the Welsh text is "do not need to report again **on the spending**". In addition, in the same sentence, in the English text it also notes "**at the current election**" which is not included in the meaning of the Welsh text.
11. In paragraph 5.25, there is a difference between the English and Welsh text. In the English text, it notes "**must not** be reported" but the meaning given by the Welsh text is "**should not** be reported". The use of "ni ddylid" to express the meaning of both "must not" and "should not" also means that the reader cannot distinguish between those phrases in the Welsh text of the Code. The term "must not" has been standardised as "ni chaiff" by the Style Guide of the Welsh Government's Legislative Translation Unit. The same issue occurs in other places in the Welsh text of the Code, such as paragraphs 6.20 and 7.27.
12. In paragraph 5.26, there is a difference between the English and Welsh text. In the Welsh text, under the heading that corresponds to "Expenses that fall within the regulatory regime", there is an additional introductory sentence before the bullet points which is not found in the English text. The additional sentence notes, "Mae PPERA yn rhestru'n benodol y treuliau canlynol fel rhai sy'n dod o fewn y gyfundrefn



reoleiddio:" ("PPERA specifically lists the following expenses as those that fall within the regulatory regime:").

13. In paragraph 5.26, in the sixth bullet point, there is a difference between the English and Welsh text. In the Welsh text, the words that correspond to "annual conferences of the non-party campaigner" appear in a separate subpoint within the bullet point, and there is also another subpoint with a sentence regarding Northern Ireland which does not exist in the English text.
14. In paragraph 5.26, in the final bullet point, there is a difference between the English and Welsh text. In the English text, it notes "premises", but the meaning given by the Welsh text is "property" ("eiddo"). It also means that the reader of the Welsh text is unable to distinguish between the terms "premises" and "property" in paragraph 5.26 because the same word "eiddo" has been used to express the meaning of both those terms in that paragraph. The same issue occurs throughout the Code where "eiddo" has been used to express the meaning of "premises", e.g. in Annex A, the section for "Schedule 8A, paragraph 1(1)". The term "premises" has been standardised as "mangre" by the Glossary of the Welsh Government's Legislative Unit.
15. In paragraph 6.3, there is a difference between the English and Welsh text. In the English text, it notes "special rates", but the meaning given by the Welsh text is "special prices" ("brisiau arbennig"). In paragraphs 6.6, 6.13 and 6.16 when referring to "commercial rate" a different term is also used for "rate" in the same context, "cyfradd fasnachol". Therefore, it is also inconsistent with these other provisions in the Welsh text of the Code.
16. In paragraph 6.6, there is a difference between the English and Welsh text. In the English text, there is a conjunction "and" after the penultimate bullet point which shows the relationship between the bullet points. But in the Welsh text, there is no conjunction after that bullet point, and it has instead been included at the beginning of the final bullet point. The same issue occurs in the Welsh text of paragraph 8.4 of the Code. Also, in paragraph 6.9, there is an additional conjunction meaning "and the" at the beginning of the final bullet point in the Welsh text of the Code.
17. In paragraph 7.3, there is a slight difference between the English and Welsh text. In the English text, in the second and third bullet points, it notes "involved" but in the Welsh text it has been paraphrased as "involved **in the plan or arrangement**". In addition, in the Welsh text, the following paragraphs are inconsistent as they vary between using the phrase "rhan o" or "ymwneud â" to express the meaning of "involve" in the same context, e.g., paragraphs 7.12 and 7.14.
18. In paragraph 7.3, in the third bullet point, there is a difference between the English and Welsh text. In the English text it notes "**actually incurs** controlled expenditure" but there is nothing to convey the meaning of "actually" in the corresponding Welsh text.



In addition, in the Welsh text, the word that corresponds to “expenditure” appears in bold unlike in the English text.

19. In paragraph 7.7, there is a difference between the English and Welsh text. In the English text, it notes “no spending **will be incurred**” but the meaning of “will be incurred” has not been conveyed in the Welsh text so that it notes “there will be no spending”. This is significant because “incur” is a defined term in the Code.
20. In paragraph 7.15, in the third bullet point, there is a difference between the English and Welsh text. In the English text, it notes “one party can veto or must approve another party’s material”. However, in the Welsh text, the word “party” has been expressed in both places by using the word “parti”, but this is incorrect if it is referring to a political party which should be expressed by using “plaid”. In addition, there is no word to convey the meaning of “must” so that the meaning given by the Welsh text is “can veto or approve” rather than “can veto or must approve”.
21. In paragraphs 7.21 and 7.23, there is a difference between the English and Welsh text. In the English text, it notes “the lead campaigner” which is defined in bold in paragraph 7.20. However, in the Welsh text of paragraphs 7.21 and 7.23, it uses a different term “prif ymgyrchydd” in places to convey the meaning of “lead campaigner” rather than the defined term found in the Welsh text of paragraph 7.20, “ymgyrchydd arweiniol”. It is particularly confusing in the Welsh text of paragraph 7.21 where the defined term “ymgyrchydd arweiniol” has been used in the first place where “lead campaigner” occurs but the different term “prif ymgyrchydd” is used later in the same sentence. The correct defined term is used in other provisions such as the Welsh text of paragraphs 7.25 and 7.26.
22. In paragraph 8.6, there is a difference between the English and Welsh text. In the English text it notes “donations from individuals or organisations that are on the list...” but there are additional words found in the Welsh text so that its meaning is “donations from individuals or organisations **located in one of the countries of Britain** that are on the list”.
23. In Annex A, in the section for “Schedule 8A, paragraph 1(5)”, there is a difference between the English and Welsh text. In a few of the bullet points, the phrase “**live** streaming or broadcasting” is used in the English text, but the meaning given by the Welsh text is “streaming or broadcasting”.
24. In the Welsh text of the Code, there is a potential difference between the English and Welsh text. In the Welsh text, the meaning of “accept” has been expressed by using “derbyn” in relation to donations in paragraphs 8.6 and 8.7. However, the same term is used to express the meaning of “receive” in the same context such as in paragraphs 8.3 and 8.8. This is potentially significant because the reader of the Welsh text will be unable to distinguish between “accept” and “receive” in relation to donations. In the



Glossary of the Welsh Government's Legislative Translation Unit, "receive" has been standardised as "cael" rather than "derbyn" to help distinguish between those terms.

(ii) Inconsistent use of terms in the Welsh text

25. In paragraph 1.6, in the Welsh text, the term "Senedd Cymru" has been used on the first occasion, but it has already been defined as "y Senedd" in paragraph 1.4. Therefore, it would seem more appropriate to use "y Senedd" in the Welsh text of paragraph 1.6 as done on the second occasion it occurs in that paragraph.
26. In paragraph 1.10, in the Welsh text, the meaning of the definition "Controlled expenditure" has been expressed by using the definition "gwariant a reolir". However, a different term "gwariant rheoledig" is used in paragraph 4.11, and also for the definition of "notional controlled expenditure" in paragraph 1.10 and the Code. Therefore, the Welsh text is inconsistent and varies for its choice of term for "Controlled expenditure".
27. In paragraph 1.10, in the Welsh text, the meaning of the definition "Regulated period" has been expressed by using the definition "cyfnod a reoleiddir". However, a different term "cyfnod rheoleiddiedig" is used in the majority of provisions in the Code such as paragraphs 3.2 (where it appears in bold) and 3.4 to 3.11 etc (but not, for example, in paragraph 3.6 where the defined term is used). Therefore, the Welsh text is inconsistent and varies for its choice of term for "Regulated period" in this Code. In addition, there is an inconsistency across the Welsh text of the related Codes as to whether the same term is defined as "cyfnod a reoleiddir" or "cyfnod rheoleiddiedig".
28. In paragraphs 1.13, 2.3 and 7.21, the term "laws" has been expressed by using the term "deddfau" in the Welsh text. However, this could suggest to the reader to the Welsh text that it is referring exclusively to primary legislation, "acts", rather than having a broader meaning. In addition, it is also inconsistent because a different word "cyfraith" has been used elsewhere in the Welsh text of the Code to express the meaning of "law(s)" in the same context.
29. In paragraph 4.11, in the Welsh text, "incur" has been expressed by using the word "gwneud". However, the term "Incur" has been defined as "ysgwyddir" in the Welsh text of paragraph 1.10 for the Code. Therefore, the defined term should have been used in paragraph 4.11. In addition, the Welsh Government may wish to consider that the standardised term found for "incur" in the Glossary of the Welsh Government's Legislative Translation Unit is "mynd i" rather than "ysgwyddir".
30. In paragraphs 7.12 and 7.14, there is an inconsistency in the Welsh text of the Code. In paragraph 7.12, "share" has been expressed by using a more informal word "siâr" but in the second bullet point of paragraph 7.14 a different term "gyfran" has been used in the Welsh text although the context is the same.



31. 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. in paragraphs 1.6, 1.10, 1.13 and 7.1. However, this term is also used to express the term “relevant” elsewhere in the Welsh text of this Code such as paragraphs 1.10, 3.10 and 3.11. Therefore, the reader of the Welsh text will not be able to distinguish between the meaning of “relevant” and “apply” when reading the Code. The term “apply” has been fully standardised as “bod yn gymwys” in the Glossary of the Welsh Government’s Legislative Translation Unit.

(iii) Other drafting issues

32. In paragraph 1.10, there is no definition of “Party list candidate” although the term is used in paragraph 3.12 of the Code.

33. In paragraph 1.10, the term “Incur” is defined for the Code. However, this term has not been defined in the other related Codes. Therefore, is there a reason for the different approach and why the term has been defined for this Code but not for the other related Codes?

34. In paragraph 1.10, in the definition of “PPERA”, in the English text, the title of the Act is noted incorrectly as “the Political Parties, **Referendums and Elections** Act 2000”. However, the correct title of that Act is “the Political Parties, **Elections and Referendums** Act 2000”. In addition, it is not usually necessary to state “(as amended)” because legislation is generally interpreted as amended due to the effect of the Legislation (Wales) Act 2019 or the Interpretation Act 1978. In this regard, the definitions of legislation such as “PPERA” in the other Codes have not included that phrase at the end.

35. In paragraph 1.10, the term “Political party” is defined as a party which is registered under Part 2 PPERA. However, in several places in the Code, the phrase “**registered** political party” is used such as paragraphs 2.1, 5.25, 6.17 to 6.19 and 8.7. If the definition of “political party” is noted as a party which is registered under Part 2 PPERA then the word “registered” in those descriptions appear to be superfluous. It is also potentially misleading to the reader if both the terms “political party” and “registered political party” bear the same meaning in the Code.

36. In paragraph 1.10, in the definition of “Regulated period” it notes that it means the “relevant period” for a Senedd election as set out in section 89B(6) and paragraph 6 of Schedule 10 to PPERA. Should it also note “Welsh devolved regulated period” because that is the term found in section 89B(6) of PPERA, and “relevant period” is only found in Schedule 10 to PPERA? Both terms are noted later when explaining the meaning of “regulated period” in paragraph 3.4 of the Code.

37. In paragraph 1.10. in the definition of “Relevant election”, are all of the elections set out in section 22(5) of PPERA relevant to Senedd elections, such as elections for Scotland and Northern Ireland?



38. In paragraph 1.10, in the definition of “Relevant election”, in the third bullet point, in the Welsh text, it notes “Senedd Cymru” rather than “y Senedd”. However, the term “y Senedd” has already been defined as meaning “Senedd Cymru” in paragraph 1.4 of the Code. Therefore, it would seem more appropriate to use “y Senedd” in the Welsh text of this bullet point in the definition of “Relevant election. This also occurs in the final line of the definition of “Targeted expenditure” in the Welsh text of paragraph 1.10.
39. In paragraph 3.10, it refers to “the **Electoral** Commission” but this body has already been defined as “the Commission” in paragraph 1.2, and that definition is used elsewhere in the Code. Therefore, the defined term “the Commission” should also have been used in paragraph 3.10 of the Code.
40. In Annex A, in the section for “Schedule 8A, paragraph 1(4)”, the cited text from that paragraph of Schedule 8A to PPRA includes the sentence “Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport.”, This sentence isn’t included in the html version on legislation.gov.uk or Lexis but does appear in the pdf version on legislation.gov.uk and Westlaw. Presumably the error is in the html version on legislation.gov.uk and Lexis?

Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

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