

Changes to legislation: Political Parties, Elections and Referendums Act 2000, SCHEDULE 8A is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 8A

Section 85

CONTROLLED EXPENDITURE: QUALIFYING EXPENSES

Textual Amendments

- F1** Sch. 8A inserted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), s. 45(3)(b), [Sch. 3](#) (with s. 46(1)(2))

PART 1

QUALIFYING EXPENSES

- 1 For the purposes of section 85(2) the expenses falling within this Part of this Schedule are expenses incurred in respect of any of the matters set out in the following list.

List of matters

- (1) The production or publication of material which is made available to the public at large or any section of the public (in whatever form and by whatever means).
- (2) Canvassing, or market research seeking views or information from, members of the public.
- (3) Press conferences, or other media events, organised by or on behalf of the third party.
- (4) Transport (by any means) of persons to any place or places with a view to obtaining publicity.
- (5) Public rallies or other public events, other than—
 - (a) annual conferences of the third party, or
 - (b) any public procession or protest meeting, within the meaning of the Public Processions (Northern Ireland) Act 1998, in respect of which notice is given in accordance with section 6 or 7 of that Act (advance notice of public processions or related protest meetings).

Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

But expenses in respect of such events do not include costs incurred in providing for the protection of persons or property.

- 2 (1) Nothing in paragraph 1 extends to—
- (a) expenses incurred in respect of the publication of any matter relating to an election, other than an advertisement, in—
 - (i) a newspaper or periodical,

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- [^{F2}(ii) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or]
- (iii) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996;
- (b) expenses incurred in respect of, or in consequence of, the translation of anything from English into Welsh or from Welsh into English;
- (c) reasonable personal expenses incurred by an individual in travelling or in providing for the individual's accommodation or other personal needs;
- (d) reasonable expenses incurred that are reasonably attributable to an individual's disability;
- (e) expenses incurred in respect of the provision by any individual of the individual's own services which the individual provides voluntarily in the individual's own time and free of charge;
- [^{F3}(f) in relation to an election for the purposes of which a limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (limits for periods relating to parliamentary general elections or general elections to the Northern Ireland Assembly), reasonable expenses incurred that are reasonably attributable to the protection of persons or property.]

(2) In sub-paragraph (1)(d), “disability” has the same meaning as in the Equality Act 2010 (see section 6 of that Act).

[^{F4}(3) In relation to polls at elections for membership of the Scottish Parliament, nothing in paragraph 1 is to be taken as extending to reasonable expenses incurred that are reasonably attributable to the translation of anything into languages other than English.]

Textual Amendments

- F2** Sch. 8A para. 2(1)(a)(ii) substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1310), reg. 1, [Sch. 2 para. 4\(7\)](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))
- F3** Sch. 8A para. 2(1)(f) inserted (26.3.2024) by [The Representation of the People \(Variation of Election Expenses and Exclusions\) Regulations 2024](#) (S.I. 2024/428), regs. 1(1)(b), [4\(2\)\(b\)](#) (with reg. 6)
- F4** Sch. 8A para. 2(3) inserted (S.) (11.12.2020) by [The Scottish Parliament \(Elections etc.\) \(Miscellaneous Amendments\) Order 2020](#) (S.S.I. 2020/426), arts. 1(1), [22](#) (with art. 1(2))

PART 2

SUPPLEMENTAL

Guidance by the Commission

- 3 (1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to the kinds of expenses which do, or do not, fall within Part 1 of this Schedule.
- (2) Once the Commission have prepared a draft code under this paragraph, they shall submit it to the Secretary of State for his approval.

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- (3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.
- (4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—
- (a) in its original form, or
 - (b) in a form which incorporates any modifications determined under sub-paragraph (3),
- before each House of Parliament.
- (5) If the draft incorporates any such modifications, the Secretary of State shall at the same time lay before each House a statement of his reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
- (a) the Secretary of State shall issue the code in the form of the draft laid before Parliament, and
 - (b) the code shall come into force on such date as the Secretary of State may by order appoint,
- and the Commission shall arrange for it to be published in such manner as they consider appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.
- (9) In this paragraph “40-day period”, in relation to a draft code, means—
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,
- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) In this paragraph references to a draft code include a draft revised code.
- [This paragraph does not apply in relation to expenses incurred during a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections or general elections to the Northern Ireland Assembly) (see sections 100A and 100B as regards expenses incurred during such a period).]

Textual Amendments

- F5** Sch. 8A para. 3(11) inserted (24.11.2022) by Elections Act 2022 (c. 37), ss. 29(3), 67(1); S.I. 2022/1226, reg. 2(c)

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Power to amend Part 1

- 4 (1) The Secretary of State may by order make such amendments of Part 1 of this Schedule as he considers appropriate.
- (2) The Secretary of State may make such an order either—
- (a) where the order gives effect to a recommendation of the Commission, or
 - (b) after consultation with the Commission.]

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(2A) inserted by 2022 c. 37 s. 18(1)
- s. 4A-4E and cross-heading inserted by 2022 c. 37 s. 16
- s. 8(3)(d) inserted by 2011 c. 13 Sch. 10 para. 12
- s. 13ZA and cross-heading inserted by 2022 c. 37 s. 17(1)
- s. 54(1)(aa) inserted by 2009 c. 12 s. 9(1)
- s. 54(1)(aa) substituted by 2009 c. 12 s. 10(1)
- s. 54(2ZA)-(2ZC) inserted by 2009 c. 12 s. 10(3)
- s. 56(1A) inserted by 2009 c. 12 s. 10(5)
- s. 56(2)(aa) inserted by 2009 c. 12 s. 9(3)(b)
- s. 56(3B) inserted by 2009 c. 12 s. 9(4)
- s. 71H(3ZA) inserted by 2009 c. 12 Sch. 6 para. 19
- s. 71L(9A) inserted by 2009 c. 12 s. 11(2)
- Sch. 1 para. 2(1) Sch. 1 para. 2 renumbered as Sch. 1 para. 2(1) by 2022 c. 37 s. 19(2)
- Sch. 1 para. 2(2) inserted by 2022 c. 37 s. 19(4)
- Sch. 1 para. 2(1) words inserted by 2022 c. 37 s. 19(3)(a)
- Sch. 1 para. 2(1) words omitted by 2022 c. 37 s. 19(3)(b)
- Sch. 2 para. 2(1A) inserted by 2022 c. 37 s. 18(2)
- Sch. 2 para. 4 and cross-heading inserted by 2022 c. 37 s. 17(2)
- Sch. 7 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 1(1)
- Sch. 7 para. 8(1A) inserted by 2009 c. 12 Sch. 4 para. 2
- Sch. 7 para. 10(5)(aa) inserted by 2009 c. 12 Sch. 3 para. 2(5)(b)
- Sch. 7 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 1(1)
- Sch. 7 para. 10(5)(aa) words inserted by 2009 c. 12 Sch. 4 para. 3(3)
- Sch. 7A para. 8(9A) inserted by 2009 c. 12 s. 11(5)
- Sch. 7A para. 9(10)(ba) inserted by 2009 c. 12 s. 11(6)(b)
- Sch. 11 para. 4(3) inserted by 2009 c. 12 Sch. 6 para. 29(2)
- Sch. 11 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 4(1)
- Sch. 11 para. 7(2)(aa) inserted by 2009 c. 12 Sch. 4 para. 5
- Sch. 11 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 4(1)
- Sch. 11 para. 4(3) words inserted by 2009 c. 12 Sch. 6 para. 29(3)
- Sch. 15 para. 4(3)(4) inserted by 2009 c. 12 Sch. 6 para. 30(2)(b)
- Sch. 15 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 7(1)
- Sch. 15 para. 7(2)(aa) inserted by 2009 c. 12 Sch. 4 para. 8
- Sch. 15 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 7(1)
- Sch. 15 para. 4(3) words inserted by 2009 c. 12 Sch. 6 para. 30(3)