



Political Parties and Elections Act 2009

2009 CHAPTER 12

PART 2

POLITICAL DONATIONS ETC AND EXPENDITURE

Election expenses

21 Limitation of pre-candidacy election expenses for certain general elections

- (1) In the Representation of the People Act 1983 (c. 2) (“the 1983 Act”), after section 76 there is inserted—

“76ZA Limitation of pre-candidacy election expenses for certain general elections

- (1) This section applies where—
- (a) a Parliament is not dissolved until after the period of 55 months beginning with the day on which that Parliament first met (“the 55-month period”),
 - (b) election expenses are incurred by or on behalf of a candidate at the parliamentary general election which follows the dissolution, and
 - (c) the expenses are incurred in respect of a matter which is used during the period beginning immediately after the 55-month period and ending with the day on which the person becomes a candidate at that election.

For the purposes of this section, section 90ZA(1) has effect with the omission of the words “after the date when he becomes a candidate at the election”.

- (2) Election expenses incurred as mentioned in subsection (1) must not in the aggregate exceed the permitted amount, which is the relevant percentage of the following sum—

Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009, Cross Heading: Election expenses. (See end of Document for details)

- (a) for a candidate at an election in a county constituency, £25,000 plus 7p for every entry in the register of electors;
- (b) for a candidate at an election in a borough constituency, £25,000 plus 5p for every entry in the register of electors.

(3) The relevant percentage is—

- (a) 100% where the dissolution was during the 60th month of the Parliament;
- (b) 90% where the dissolution was during its 59th month;
- (c) 80% where the dissolution was during its 58th month;
- (d) 70% where the dissolution was during its 57th month;
- (e) 60% where the dissolution was during its 56th month.

For the purposes of this subsection, the “56th month” of a Parliament is the month beginning immediately after the 55-month period; and so on.

(4) In subsection (2) above “the register of electors” means the register of parliamentary electors for the constituency in question as it has effect on the last day for publication of notice of the election.

(5) Where election expenses are incurred as mentioned in subsection (1) in excess of the permitted amount, any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that amount,

shall be guilty of an illegal practice.

(6) The candidate's personal expenses do not count towards the permitted amount.”

(2) The amendments made by this section do not apply in relation to any expenses—

- (a) incurred before the commencement of this section, or
- (b) incurred in respect of any matters used before 1 January 2010.

22 Election expenses: guidance by Commission

In Schedule 4A to the 1983 Act (election expenses), in paragraph 14 (guidance by Electoral Commission), for the words in sub-paragraph (1) from “giving guidance” to the end there is substituted “giving—

- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
- (b) guidance (supplementing the definition in section 90ZA(3) above) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.”

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