

Elections Act changes to the spending rules November and December 2022 | Electoral Commission Search Elections Act changes to the spending rules November and December 2022 Understanding changes to the spending rules The Elections Act 2022 makes two changes to the way the spending rules work at elections, concerning when the candidate and agent are helped in their campaign by someone else – for example by a political party. These changes apply from 24 November 2022 or 6 December 2022 for Police and Crime Commissioner (PCC) elections ¹. The rules before the changes

Notional spending Where something is provided to the candidate for free or at a non-commercial discount, and it is made use of by or on behalf of the candidate, then the value of what is provided counts as spending towards the candidate's limit. We call this type of spending 'notional spending'. The value of what is provided also counts as a donation to the candidate.

Local campaigning If, rather than providing something for the candidate's use or benefit, someone spends money promoting the candidate, this is 'local campaigning'. Incurring spending on local campaigning is prohibited beyond a certain limit per election, unless that spending is authorised in writing by the candidate's agent. Authorised spending counts towards the candidate's spending limit. It may be incurred by the person authorised to incur it, but, before the change in legislation, the payments must still be made by the agent. To 'incur' spending means to make a legal commitment to spend the money. The changes will apply to the following elections: UK Parliamentary elections Northern Ireland Assembly elections Local elections in England Local elections in Northern Ireland Greater London Authority elections Combined authority mayoral elections Local authority mayoral elections Parish council elections Police and Crime Commissioner elections

The regulated period is the time where the spending rules apply. For some candidates, the changes will take place during your regulated period. This will happen if your regulated period covers 24 November 2022, or for PCC by elections, 6 December 2022. The changes are:

- (1) 'Use on behalf of a candidate' in notional spending In the notional spending rules, the phrase 'use on behalf of a candidate' is defined so that someone only uses something on behalf of a candidate if that use has been directed, authorised or encouraged by the candidate or agent. The new definition will apply whenever an item is made use of after the law changes. In practice this may not impact any arrangements you already have.
- (2) Making payments for local campaigning In the local campaigning rules, if the agent has given written authorisation to someone to incur spending on behalf of the candidate, then the person authorised to incur the spending is also able to make the payment for that spending. Anyone that the agent authorises in writing to incur spending will be able to make the payment for that spending if they incur the spending after the law changes. If an agent gives written authorisation for someone else to incur spending, the agent should make clear what is expected regarding who will make the payment. This second change does not apply to parish elections, where there are no election agents.

Further guidance and advice Our guidance on the spending rules for elections can be found on our Candidates and Agents guidance page. If you have any queries about the change in legislation, or about any other feature of the spending and donations rules, please contact Sam Nicholson at pef@electoralcommission.org.uk, or on 020 7271 0527.

¹ Changes to PCC elections are being made not by the Elections Act 2022, but by the Police and Crime Commissioner Elections Order 2022. ■ Back to content at footnote 1