

## Candidates

This Code is to be known as [ ] and takes effect from [ ]

Version: 21 April 2020

Draft to be approved by the Minister

# INTRODUCTION

## Background

This Code of Practice on candidate election expenses has been issued by the Minister of State for the Constitution and Devolution under the Representation of the People Act 1983 (RPA), Schedule 4A, Part 3, paragraph 14.

A draft was prepared by the Electoral Commission, following consultation with interested persons and bodies, including the Scottish and Welsh Governments and the Northern Ireland Office Ministers being informed. The draft was approved by the Minister of State for the Constitution and Devolution and laid before the UK Parliament.

The report on our consultation process can be found on our website.

## The power to make this Code

The Electoral Commission has the power under the RPA Schedule 4A, Part 3, paragraph 14 to prepare a Code of Practice giving guidance as to:

- What does or does not fall within Part 1 or Part 2 of Schedule 4A. Those Parts are relevant to the definition of '*election expenses*' and so in particular to what expenses a candidate is required to report
- Part 1 of Schedule 4A lists the matters in respect of which any expenses for the purposes of the candidate's election count as '*election expenses*'. Part 2 lists exclusions
- The cases or circumstances in which expenses are, or are not, to be regarded as incurred '*for the purposes of a candidate's election*'. The Code supplements the definition of that phrase in section 90ZA(3) RPA

## What elections does this Code cover?

This Code applies to the following elections:

- United Kingdom parliamentary general elections (UKPGE)
- Northern Ireland Assembly elections
- Combined Authority Mayoral elections
- Greater London Authority elections
- Mayoral elections in England
- Local elections in England
- By-elections in any of the above

## Purpose of this Code

This Code aims to clarify the RPA in the following areas:

- Categories of election expenses and exclusions
- Cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election

## This Code and other guidance published by the Commission

This Code is statutory guidance. This Code differs from other guidance that the Commission publishes because it has been laid before Parliament.

The Commission also publishes non-statutory guidance on the rules for elections.

The law on candidate spending is set out in the RPA and in some instances in Orders that mirror the RPA. An overview of the legal framework for candidate spending in the RPA is set out below by way of context for this Code.

You should refer to our guidance for specific information on the rules for each election. Updated guidance about what elections are being held and which rules apply is always available on our website in the lead-up to an election.

## What are the consequences of breaching this Code?

Where a candidate or agent does not follow this Code, they are likely to be in breach of the statutory requirements relating to election expenses. This could result in a prosecution for a corrupt and/or illegal practice under sections 168 and 169 of the Representation of the People Act 1983 i.e. a fine and, in respect of a corrupt practice, potential imprisonment.

Where a candidate or agent is found personally guilty of a corrupt practice, they are disqualified from holding elective office for a period of five years. For an illegal practice, they are disqualified for three years. The candidate's election may be void.

## The political parties Code

This Code is statutory guidance. The Electoral Commission has also prepared a separate statutory Code under the Political Parties Elections and Referendums Act 2000 (PPERA) on campaign expenditure by registered political parties during a regulated period for a UKPGE or a Northern Ireland Assembly election. These Codes differ from other guidance that the Commission publishes because they have been laid before Parliament.

## The legal framework in the RPA for candidate spending

### Election expenses: section 90ZA RPA

Section 90ZA RPA defines election expenses as follows:

- (1) In this Part of this Act “election expenses” in relation to a candidate at an election means (subject to subsection (2) below and section 90C below) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 4A which is used for the purposes of the candidate's election after the date when he becomes a candidate at the election.*
- (2) No election expenses are to be regarded as incurred by virtue of subsection (1) above or section 90C below in respect of any matter specified in Part 2 of Schedule 4A.*
- (3) In this section and in section 90C below, “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.*
- (4) For the purposes of [this Part of this Act, election expenses are incurred by or on behalf of a candidate at an election if they are incurred—*
  - (a) by the candidate or his election agent, or*
  - (b) by any person authorised by the candidate or the election agent to incur expenses.*
- (5) A reference in this Part of this Act to a candidate at an election, in relation to election expenses, includes (where the context allows) a reference to a person who becomes a candidate at the election after the expenses are incurred.*
- (6) In this Part and in Part 3 of this Act, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.*
- (7) Schedule 4A has effect.*
- (8) [not relevant to this Code].’*

## Spending limits and campaign periods

The amount that can be spent on a candidate's election expenses is limited by the RPA. A spending limit applies in relation to a particular period, often referred to as a 'regulated period'.

### *Regulated period – all RPA elections*

For all the elections this Code applies to, the regulated period which always applies, comes from section 90ZA(1). It starts on the day after a person officially becomes a candidate and ends on polling day (the close of poll) – around six weeks. At a UK parliamentary general election, this is sometimes referred to as 'the short period' or 'the short campaign' period. The spending limit for this period is set by section 76 RPA based on the type of election and the constituency being contested.

### *Additional period for certain UKPGEs*

A longer period will apply in circumstances where an election is held following a Parliament which has existed for more than 55 months. In this instance section 76ZA comes into effect. This will be the case in respect of general elections held under the ordinary timings in the Fixed Term Parliaments Act 2011. The section 76ZA period starts on the day after the end of the 55-month period and ends on the day the person officially becomes a candidate at the forthcoming election – around four months. This period is often referred to as 'the long period' or 'the long campaign period'. The spending limit set by section 76ZA for this period is based on the amount of time the most recent Parliament has been in existence and the type of constituency.

## Agents

Candidates must either appoint an agent to oversee their spending or act as their own agent. The agent has responsibilities for incurring and paying for candidate election expenses – see sections 75 and 73 RPA respectively.

## Notional spending

'*Notional spending*' on election expenses counts towards the candidate's spending limits. Under section 90C RPA, notional spending arises when property, goods, services or facilities:

- are transferred or provided free of charge or at a discount of more than 10 per cent for the use or benefit of the candidate,
- are made use of by or on behalf of the candidate, and
- if expenses had been incurred by or on behalf of the candidate in respect of that use, they would have been election expenses – i.e. within the categories listed in Part 1 and not excluded by Part 2 of Schedule 4A

Where all three of the above are satisfied, an '*appropriate amount*' is treated as election expenses incurred by the candidate if more than £50. The appropriate amount is the proportion that is reasonably attributable to the use of the item, of either:

- its market value (where it is transferred free of charge), or
- the value of the discount (where some of the item's cost is actually incurred by or on behalf of the candidate)

If the property, goods, services or facilities concerned have been made use of by or on behalf of the candidate the notional spending falls to be declared as election expenses in the candidate's return even if the items provided have not been authorised by the candidate, the candidate's agent or someone authorised by either or both of them: *R v Mackinlay and others* [2018] UKSC 42. The rules on donations also apply to the associated gift.

### **Reporting**

Section 81 RPA requires an agent to submit a return of election expenses. Section 82 RPA requires the agent and the candidate each to make a declaration as to the accuracy of the return. It is an offence to knowingly make a false declaration.

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# Definitions

In this Code the following definitions apply:

**‘Cost’** has its ordinary meaning of the expense of, or associated with, an item. It includes the *‘appropriate amount’* to be treated as incurred by the candidate under the rules on notional spending.

**‘Election agent’** means the person named on behalf of a candidate pursuant to section 67(1) RPA.

**‘Electoral area’** is the specific area in which a candidate is standing for election.

**‘Item’** means something that could be the subject of spending. It includes services and activities as well as physical things.

**‘Notional spending’** means election expenses treated as incurred where property, goods, services or facilities are provided free of charge or at a discount and made use of by or on behalf of the candidate under section 90C RPA.

**‘Political party’** means a party registered under Part II PPERA.

**‘PPERA’** means the Political Parties, Elections and Referendums Act 2000.

**‘Regulated period’** means the period when the spending rules apply to candidates at an election under sections 90ZA(1) and 118 RPA.

**‘Return’** or **‘spending return’** means a return as to election expenses for a candidate as required by section 81 RPA.

**‘RPA’** means the Representation of the People Act 1983.

**‘Spending limit’** refers to the maximum amount of money that can be incurred by a candidate under sections 76 and 76ZA RPA.

**‘Used at an election’** means used for the purposes of the candidate’s election as defined in section 90ZA(3) RPA as supplemented by this Code.

## Other terms:

The following terms are used in this Code as they are defined in the legislation indicated below:

Appropriate amount	Section 90C(2) RPA
Candidate	Section 118A RPA
Election expenses	Section 90ZA RPA

'**Personal expenses**' of the candidate are partially defined in section 118 RPA as follows:

*“personal expenses” as used with respect to the expenditure of any candidate in relation to any election includes the reasonable travelling expenses of the candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election’*

Personal expenses of a candidate must be reported in the candidate’s spending return but do not count towards the spending limit. This Code does not offer guidance as to what are or are not personal expenses.

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# When will expenses be regarded as incurred for the purposes of a candidate's election?

- i. The list of matters in the RPA, Schedule 4A, Part 1, as clarified in this Code at pages [16-28], will be regarded as used 'for the purposes of a candidate's election' – and therefore associated expenses incurred will be 'election expenses' – whenever it is used with a view to, or otherwise in connection with promoting or procuring the candidate's election.
- ii. Paragraphs [v to xi] below set out some of the scenarios where this will be the case. These examples are inclusive and not exhaustive.
- iii. 'Election expenses' count towards the candidate's spending limit. The cost of all items used in the regulated period must be reported in the return for the candidate as appropriate.
- iv. The examples set out below relate both to spending authorised by the candidate or agent and to notional spending.

## Attribution to candidates

- v. These are some cases and circumstances where something will be regarded as used wholly for the purposes of the candidate's (or candidates') election:
- vi. For example, whenever the item, such as a campaign leaflet:
  - identifies the candidate at the election or the specific candidate can be identified from the item, or
  - identifies the specific electoral area in which the candidate is standing

And in either case, is aimed at voters in the electoral area in which the candidate is standing to promote or secure the election of that candidate.

- vii. In paragraph (vi) above:
  - Promoting or securing the election of that candidate includes doing so by prejudicing the electoral prospects of another candidate or candidates standing in the specific electoral area.

The following scenarios include examples of spending by a candidate and examples of spending by a political party.

- A candidate produces a leaflet that encourages voters to vote for their party in a particular constituency. The constituency is named in the leaflet. This is candidate spending and must appear in the candidate return.
- A candidate puts up a billboard on a roadside with their picture on it. The billboard is situated at a station outside of the constituency but the station has a high level of commuters from the constituency that use that station. The candidate is identifiable and it is aimed at voters in the candidate's constituency. It must go in the candidate return.
- A political party produces a letter that sets out the party's policies and in the final lines it asks voters to vote for a specific candidate in that electoral area. Since the candidate is identifiable, the letter is to be regarded as distributed for the purposes of the candidate's election. If the leaflet is *made use of by or on behalf of the candidate*, it must appear in the candidate return as notional spending.
- A political party produces an advert that sets out the party's policies and asks voters to vote for the party in that electoral area. Although the advert does not name the candidate, it identifies the electoral area. Therefore the advert is to be regarded as distributed for the purposes of the party's candidate's election. If the advert is *made use of by or on behalf of the candidate*, it must appear in the candidate return as notional spending.
- A political party produces a letter that sets out the party's policies and encourages voters to vote for the party. Although the letter is addressed to a household in a constituency, the letter itself does not identify the candidate or the constituency. This is not to be regarded as used for the purposes of the candidate's election. Therefore no spending needs to appear in the candidate return.

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viii. These are some cases and circumstances where something can be apportioned and only a part of the spending will appear in the candidate return.

### **More than one candidate**

ix. For example, whenever an item, such as a campaign leaflet or a billboard advertisement:

- is distributed or displayed with the aim of procuring the election of more than one representative in the same specific electoral area, and
- each candidate is identifiable,

the cost of the item will be regarded as incurred for the purposes of the election of each of those candidates, and is therefore to be split between them.

This applies for example, in:

- Northern Ireland Assembly elections
- local elections in England where more than one representative is being elected

### **Material distributed across a number of electoral areas**

x. Where material:

- features a candidate, and
- is distributed across a wider area than just the specific electoral area in which that candidate is standing

a proportion of the cost of that material will be regarded as used for the purposes of the candidate's election.

xi. The proportion that will be regarded as used for the purposes of the candidate's election is the cost of distribution in that candidate's specific electoral area.

The following examples are all of spending by a political party.

- A leaflet featuring the party leader is distributed across Great Britain, including in the electoral area where the party leader is standing. The leaflets distributed in the party leader's electoral area are to be regarded as distributed for the purposes of the leader's election as a candidate.
- A prominent local councillor is featured in a leaflet that is distributed across the entire county, including in the specific electoral area they are standing in. The leaflets distributed in the councillor's electoral area are to be regarded as distributed for the purposes of the councillor's election as a candidate.
- A party prepares a digital campaign featuring a popular party member in one area of the country. The party member is a candidate in one part of that area. The material is targeted at a particular group of voters and will appear in the social media feeds of someone who is in the target group. The target group includes a geographic location. The proportion of the campaign targeted in the prominent party member's electoral area is to be regarded as published for the purposes of their election as a candidate.

In the examples above, if the item is *made use of by or on behalf of* the candidate, then the relevant proportion of the cost of targeting the candidate's electoral area must appear in the candidate return as notional spending.

- A party prepares a digital campaign featuring a popular party member across the entire country, including where the party member is a candidate. The material is not targeted but will appear if a particular set of words is typed into a search engine. It is not possible to ascertain how often or when this appeared to voters in the party member's constituency. This is not to be regarded as used for the purposes of their election as a candidate. Therefore no spending needs to appear in the candidate return.

## Re-using items paid for and used at a previous election

xii. Items paid for and used at an election by a candidate must not be apportioned or discounted because they may or will be re-used at a subsequent election or elections. The full cost of an item that meets the usual criteria must be reported in the return at the election at which the item is first used.

xiii. The full cost of items that may or will be re-used counts towards the spending limit at the first election at which they are used.

xiv. The purchase cost of items that were:

- paid for in full (owned not hired); and
- used at a previous election; and
- reported in full in the spending return for the candidate at a previous election; and
- have not been altered in any way

do not need to be reported in the spending return for the same candidate at a subsequent election, nor do they count towards the spending limit at such subsequent elections.

xv. However, all costs incurred in facilitating the re-use of an item at a subsequent election, including:

- cleaning
- alteration and/or addition
- maintenance
- redevelopment

must be reported in the return for the subsequent election where the items are used again.

xvi. The costs incurred in facilitating the re-use count towards the spending limit at the subsequent election at which they are re-used.

## Items not used at all

xvii. Items paid for but not used at an election are not regarded as election expenses because they are not used with a view to, or otherwise in connection with, promoting the candidate or procuring the candidate's election. They therefore do not need to be reported in the return.

## Expenses incurred prior to the commencement of the regulated period

xviii. Expenses incurred prior to the start of the regulated period, on items used during the regulated period, must be reported in the return. Therefore, the cost of items used during the regulated period but purchased prior to the start of the regulated period counts towards the candidate's spending limit.

## VAT

xix. Expenses must be reported inclusive of VAT where applicable, even where VAT can be recovered.

xx. Where VAT is charged on an item, the VAT amount counts towards the spending limit.

# Matters within RPA, Schedule 4A, Part 1

## General notes

### This Code is not exhaustive

The lists below of matters which are relevant for the purposes of each category in Part 1 of Schedule 4A, and therefore are to be reported in a spending return if expenses are incurred and they are used for the purposes of the candidate's election, are inclusive and not exhaustive.

### Notional spending

This Code applies to notional spending on behalf of a candidate in the same way as it applies to spending that is incurred by a candidate, unless otherwise specified.

### Costs that are excluded

This section of the Code clarifies Part 1 of Schedule 4A RPA. Nothing in it should be taken as qualifying the list of exclusions set out in Part 2 of Schedule 4A RPA, which is reproduced below.

7. *The payment of any deposit required by rule 9 of Schedule 1 to this Act<sup>1</sup>*

7A. (1) *Any matter that is reasonably attributable to the candidate's disability, to the extent that the expenses in respect of the matter are reasonably incurred.*

*(2) In this paragraph "disability": (a) in relation to a candidate standing for election in England, Wales or Scotland, has the same meaning as in section 6 of the Equality Act 2010; (b) in relation to a candidate standing for election in Northern Ireland, has the same meaning as in section 1 of the Disability Discrimination Act 1995.*

*(3) This paragraph does not apply in relation to a local government election in Wales.*

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<sup>1</sup> For Combined Authority Mayoral elections, reference should be made instead to rule 10 of Schedule 1 or Schedule 3, as the case may be, to the Combined Authorities (Mayoral Elections) Order 2017

8. *The publication of any matter, other than an advertisement, relating to the election in—*
  - (a) *a newspaper or periodical;*
  - (b) *a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru;*
  - (c) *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.*
9. *The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act other than facilities in respect of which expenses fall to be defrayed by virtue of sections 95(4) and 96(4) above.*
10. *The provision by an individual of his [her] own services which he [she] provides voluntarily in his [her] own time and free of charge.*
11. (1) *Accommodation which is the candidate's sole or main residence.*  
(2) *The provision by any other individual of accommodation which is his [her] sole or main residence if the provision is made free of charge.*
12. (1) *Transport by a means of transport which was acquired by the candidate principally for his [her] own personal use.*  
(2) *Transport provided free of charge by any other individual if the means of transport was acquired by him [her] principally for his [her] own personal use.*
13. (1) *Computing or printing equipment which was acquired by the candidate principally for his [her] own personal use.*  
(2) *The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his [her] own personal use if the provision is made free of charge.'*

# Costs that are included

## Schedule 4A, Part 1, paragraph 1

*‘Advertising of any nature (whatever the medium used).*

*Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.’*

This paragraph includes:

### **Services, premises, facilities or equipment, provided by others**

1.1 This includes the cost of use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

that is used to:

- prepare, produce or facilitate the production of advertising material
- disseminate advertising material by distribution or otherwise

For example, the hire of a photographer and premises to produce images for use in advertising material.

### **Specific costs in connection with producing or disseminating digital or electronic advertising material**

1.2 It includes the cost of any software, of any kind, for use on any device to:

- design and produce advertising material in-house
- disseminate or facilitate dissemination of advertising material

whether that material is distributed digitally, electronically or via other means.

For example, a licensing fee for a software application for use on a device.



1.3 It includes the cost of use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

used to

- prepare, produce or facilitate the production of digital or electronic advertising material
- distribute or facilitate the dissemination of that advertising material via any means

including any cost attributable to increasing the visibility of content by any means.

For example, the purchase of a more prominent position on a page within a search engine.

1.4 It includes the cost of preparing, producing or facilitating the production of advertising material for:

- downloading and use by others
- posting on and promoting the candidate via any kind of social media channel or platform

For example, the costs of producing advertising material promoting the candidate that is posted to a page on a social media channel encouraging followers to share it.

1.5 It includes the cost of accessing, purchasing, developing and maintaining any digital or other network which:

- facilitates distribution or dissemination of advertising material by any means
- promotes or increases the visibility of advertising material by any means

For example, the purchase of digital identities used to make material appear as if it has been seen and approved by a high number of users on a social media platform.

1.6 It includes the costs of:

- hosting and maintaining a website or other electronic/digital material that promotes the candidate
- designing and building the website
- a portion of any website or material that is set up to obtain funds for the candidate but also promotes the candidate during the regulated period

## Other costs included in paragraph 1

1.7 It includes the cost of any rights or licensing fee for any image used in producing advertising material.

1.8 It includes the cost of:

- paper or any other medium on which advertising material is printed
- physically displaying advertising in any location, for example cable ties or glue for putting up posters

1.9 It includes the cost of purchase, hire or use of:

- photocopying equipment
- printing equipment

for use in the candidate's election campaign, except where:

- the equipment was acquired by the candidate principally for the candidate's own personal use
- it is provided by another individual, the equipment was acquired by that individual for their own personal use and the candidate is not charged for the use of it

1.10 Where paper, photocopying equipment or a printer is purchased or hired principally for use in the campaign, the full cost must be reported.

1.11 'Personal use' in paragraph 1.9 means ongoing personal use by the candidate or the individual, not use for commercial purposes, or use for other purposes such as by a political party prior to or after the election.

1.12 It includes the cost of purchase and use of any other equipment in connection with:

- preparation, production or facilitating the production of the advertising material
- dissemination by distribution or otherwise of the advertising material

1.13 It includes the cost of food and/or accommodation for any individual who provides services in connection with advertising material for the candidate that is paid for or reimbursed by the candidate, the candidate's party or another third party.

## Schedule 4A, Part 1, paragraph 2

*‘Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area).*

*Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).’*

### This paragraph includes:

#### **Costs associated with obtaining information and targeting or identifying voters, including database costs**

2.1 This includes the cost of accessing, obtaining, purchasing, developing or maintaining:

- IT software or contact databases
- any information, by whatever means

that is used to facilitate the sending of unsolicited material to voters.

For example, the purchase of email addresses.

2.2 It includes the cost of accessing, obtaining or developing data sets, including data analytics to target voters by whatever means, including the cost of agencies, organisations or others that identify groups of voters, by whatever means.

For example, the cost of any agency paid to analyse social media content to facilitate targeting of voters in a specific electoral area and the cost of modelling by an agency based on that analysis.

2.3 It includes the cost of any services to identify voters that are purchased, developed or provided before the regulated period, but are used to target voters during the regulated period.

2.4 Where information or access to information is obtained from a third party, including a political party, the commercial cost of obtaining that information from the third party is included.

## **Costs associated with preparing, producing or distributing unsolicited material to voters, including via digital means**

2.5 This includes the cost of use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

that is used to:

- prepare, produce or facilitate the production of the unsolicited material
- disseminate the unsolicited material by distribution or other means, including any cost attributable to increasing the visibility of material via any means

2.6 It includes the cost of delivering material by any means including electronic means or the physical distribution of the material, for example the cost of envelopes and stamps or the purchase of a system for sending emails.

2.7 It includes the cost of accessing, developing and maintaining any digital or other network which promotes or increases the visibility of unsolicited material on any platform. For example, if a candidate pays a developer to create an app that facilitates targeting of their material on a social media channel.

2.8 It includes the cost of oversight and maintenance of all social media, digital or other forms of distribution of unsolicited material. This includes the maintenance of all social media accounts, including if they are maintained by another entity/individual.

### **Other costs included in paragraph 2**

2.9 It includes the cost of any rights or licensing fee for any image used in producing unsolicited material.

2.10 It includes the cost of paper or any other medium on which unsolicited material is printed.

2.11 It includes the cost of purchase, hire or use of:

- photocopying equipment
- printing equipment

for use in the candidate's election campaign, except where:

- the equipment was acquired by the candidate principally for the candidate's own personal use
- it is provided by another individual, the equipment was acquired by that individual for their own personal use and the candidate is not charged for the use of it

2.12 'Personal use' in paragraph 2.11 means ongoing personal use by the candidate or the individual, not use for commercial purposes, or other purposes such as by a political party prior to or after the election.

2.13 Where paper, photocopying equipment or a printer is purchased or hired principally for use in the campaign, the full cost must be reported.

2.14 It includes the cost of purchase and use of any other equipment in connection with:

- preparation, production or facilitating the production of the unsolicited material
- dissemination by distribution or otherwise of the unsolicited material

2.15 It includes the cost of food and/or accommodation for any individual who provides service in connection with unsolicited material for the candidate that is paid for or reimbursed by the candidate, the candidate's party or another third party.

## Costs that are excluded from paragraph 2

2.16 It does not include the cost of postage of the free electoral address as outlined in section 91 RPA.

2.17 It does not include any cost associated with the obtaining of data as permitted under any statute or regulation.

For example, candidates are entitled to a copy of the electoral register via regulation 102 of the Representation of the People (England and Wales) Regulations 2001.

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## Schedule 4A, Part 1, paragraph 3

*‘Transport (by any means) of persons to any place.*

*Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.’*

### This paragraph includes:

3.1 It includes the cost of transport for the agent where they are reimbursed by the candidate, the candidate’s party or another third party.

#### **Transport of volunteers and campaigners**

3.2 It includes the cost of transporting:

- volunteers
- party members, including staff members
- other campaigners

around the electoral area, or to and from the electoral area, including the cost of:

- tickets for any transport, including any booking fee
- hiring of any transport
- fuel purchased for any transport
- parking for any transport

where they are undertaking campaigning on behalf of the candidate.

3.3 It includes the cost of transport paid for by any individual, political party or other third party that is paid for or reimbursed either by the candidate, the political party or a third party, where the individuals being transported were campaigning or undertaking activities associated with the campaign for the candidate.

#### **Transport to an event**

3.4 It includes the cost of transporting attendees to an event promoting the candidate where that cost is reimbursed or paid for by the candidate, the candidate’s party or another third party.

#### **Transport that is promoting the candidate**

3.5 This includes the cost of use, or hire, of any vehicle or form of transport that displays material promoting the candidate, including any cost associated with:

- design and application of the design to the vehicle or form of transport
- driving or moving a vehicle around a specific electoral area
- parking fees where a vehicle is used to display material

## Costs that are excluded from paragraph 3

3.6 The following costs are excluded from paragraph 3:

- where the cost is paid for by the individual who used the transport, where that payment is not reimbursed, or
- where transport is provided free of charge by any other individual if the means of transport was acquired by that person principally for their own personal use

3.7 Where a transport cost is a personal expense within the meaning of the RPA for the candidate, this must be recorded as a personal expense in the spending return and not as an election expense under Schedule 4A Part 1. '*Personal expenses*' includes the reasonable travelling expenses of the candidate, for the purposes of and in relation to the election.

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## Schedule 4A, Part 1, paragraph 4

*'Public meetings (of any kind).*

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

### This paragraph includes:

#### **Services, premises, facilities or equipment provided by others**

4.1 This includes the cost of the use, or hire, of any:

- agency, individual or organisation
- services provided by any agency, individual or organisation
- premises or facilities
- equipment

used in:

- promoting a public meeting
- holding or conducting a public meeting to promote the candidate
- live streaming or broadcasting a public meeting by any means

#### **Other costs included in paragraph 4**

4.2 It includes the cost of promoting or advertising the event, via any means.

4.3 It includes the cost of an event that is being held via a link of any kind or is being live streamed or broadcast, where that event is open to be viewed by users of a channel or platform or by other means.

4.4 It includes the cost of the provision of any goods, services or facilities at the event, for example the cost of hiring seating.

4.5 It includes the cost of purchase of any equipment in connection with:

- holding or conducting a public meeting to promote the candidate
- live streaming or broadcasting a public meeting by any means

4.6 It includes the cost of accommodation and other expenses for any attendee where that cost is reimbursed or paid for by the candidate, the candidate's party or another third party.



## Schedule 4A, Part 1, paragraph 5

*'The services of an election agent or any other person whose services are engaged in connection with the candidate's election.'*

### This paragraph includes:

#### **Agent costs**

5.1 This includes any remuneration, including allowances, paid to the agent.

#### **Staff who are employed by a political party**

5.2 It includes the cost of any staff member of a political party who provides services to the candidate that are for the purposes of the candidate's election during the regulated period, or provides services to the candidate that are for the purposes of the candidate's election prior to that time which are then used during the regulated period.

Some examples of costs associated with political party staff:

- a staff member of a political party spends their paid working hours coordinating volunteers campaigning for a candidate in a specific constituency. Their work time is to be regarded as for the purposes of the candidate's election. If it is made use of by or on behalf of the candidate, then the costs of paying that staff member must appear in the candidate return as notional spending.
- a staff member of a political party spends their paid working hours on a number of different campaigning activities, including both promoting the party generally and promoting a specific candidate. The proportion of their work time that is spent promoting the candidate is to be regarded as for the purposes of that candidate's election. If it is made use of by or on behalf of the candidate, then that proportion of the costs of paying that staff member must appear in the candidate return as notional spending.
- a number of candidates attend a briefing on the party's manifesto pledges given by paid party staff. Because the focus is on national party manifesto pledges, the briefing is not to be regarded as given for the purposes of their election as candidates. Therefore no spending needs to appear in the candidate returns.

### **Staff monitoring social media and other press activities**

5.3 It includes the cost of staff engaged in the management and monitoring of social media channels or platforms and the obtaining of data to allow targeted campaigning. This includes hiring staff to analyse and sort the data and the cost of staff to monitor and post or respond to any kind of social media or other account.

5.4 It includes the cost of staff engaged in the management of press activities of any kind, including staff who are liaising with, managing or monitoring any kind of media activity by any means in connection with the candidate's election.

### **Any other person whose services are engaged**

5.5 It includes the cost of any other person whose services are engaged in connection with the candidate's election.

### **Costs which are excluded from paragraph 5**

5.6 It does not include the cost for services of an agent or any other person who is a volunteer.

Draft to be approved by the Minister

## Schedule 4A, Part 1, paragraph 6

*'Accommodation and administrative costs.'*

### This paragraph includes:

#### Office space and equipment

6.1 This includes the rental cost of office space, including business rates, for the candidate's campaign, whether newly rented or under an existing rental agreement, and so notional spending will be incurred where such office space is provided free of charge or at a discount by a political party or a third party.

6.2. It includes the cost of office space where that office space is being shared. An apportionment must be made and an amount that reasonably reflects the use by the candidate in campaigning must be included in the return for the candidate. This amount will count towards the spending limit of the candidate.

6.3 It includes the cost of purchase, use or hire of any general office equipment for the candidate's campaign, and so notional spending will be incurred where such equipment is provided free of charge or at a discount by a political party or a third party.

For example, desks, chairs and computers provided by a party for use in the candidate's campaign.

6.4 It includes the cost of purchase, hire or use of:

- mobile phones or other hand-held devices
- the associated contracts

for use in the campaign by the candidate, agent and any other staff or volunteer, where that equipment and/or associated costs are paid for by the candidate, the candidate's party or another third party except where:

- the equipment was acquired by the candidate principally for the candidate's own personal use and the costs are not more than would usually be incurred outside of an election period
- it is provided by another individual, the equipment was acquired by that individual for their own personal use, the costs are not more than would usually be incurred outside of an election period and the candidate is not charged for the use of it

Some examples of costs associated with mobile phones:

- if a SIM card with a data and calls allowance is bought for a candidate to use in their campaign, this would count as candidate spending
- if a volunteer's mobile phone is used to co-ordinate other volunteers, and a portion of the phone contract charges are reimbursed by the candidate to the volunteer, this would count as candidate spending
- if the candidate uses their own phone which they acquired for their own personal use, and no further costs are incurred beyond the usual monthly charge for calls, data etc, this does not count as candidate spending

6.5 'Personal use' in paragraph 6.4 means ongoing personal use by the candidate or the individual, not use for commercial purposes, or other purposes such as by a political party prior to or after the election.

### **Overheads**

6.6 It includes the cost of:

- electricity
- phone lines and internet access

for use in the candidate's campaign.

6.7 It includes the subscription cost for media monitoring services, press wire and press release services.

### **Costs associated with agents, volunteers and employees**

6.8 It includes the cost of accommodation for the agent where it is reimbursed by the candidate, the candidate's party or another third party.

6.9 It includes the cost of volunteers, employees and party employees campaigning for the candidate in a specific electoral area, including their accommodation costs if they are reimbursed by the candidate, the candidate's party or another third party.

### **Costs which are excluded from paragraph 6**

6.10 It does not include the cost of childcare for a candidate or their agent or a volunteer.

6.11 It does not include the cost of water, gas or council tax.

6.12 It does not include the provision by any other individual of accommodation which is the sole or main residence of the individual if the provision is made free of charge.