EXPLANATORY MEMORANDUM TO

THE LOCAL ELECTIONS (NORTHERN IRELAND) (UPRATING ELECTION EXPENSES) ORDER 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Hilary Benn MP, Secretary of State for Northern Ireland at the Northern Ireland Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 Eleanor Hayden, Deputy Director for Transformation, Constitution & Rights at the Northern Ireland Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Claire McGregor, Head of Elections Policy at the Northern Ireland Office can be contacted by email at the following address with any queries regarding the instrument: crsg@nio.gov.uk or by writing to the Northern Ireland Office, Erskine House, Belfast, BT1 4GF.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will increase the spending limit for candidates at local elections in Northern Ireland during the regulated period, from £600 plus 5p per local government elector registered to vote in the district or electoral area in which they are standing, to £960 plus 8p per local government elector.

4.2 In accordance with section 52A of the Electoral Law Act (Northern Ireland) 1962 Act ("1962 Act") the regulated period (for these purposes) in Northern Ireland for local elections begins on the day after a person becomes a candidate and ends on polling day.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is Northern Ireland.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Northern Ireland.

5. Policy Context

What is being done and why?

5.1 The instrument will uprate expenditure limits for candidates standing in local elections in Northern Ireland.

5.2 In 2023, the Government uprated expenditure limits in line with inflation for candidates and registered political parties at UK Parliamentary elections, Northern Ireland Assembly elections, and local government elections in England.

5.3 At the same time, the same change was not made for local elections in Northern Ireland, but Ministers signalled their intention to do so at a future date.

5.4 Spending limits for local elections in Northern Ireland have not been uplifted since they were first set in 2005. Due to inflation, candidates are now able to purchase significantly less in goods and services compared to when the limits were first introduced.

5.5 The Electoral Commission and Northern Ireland political parties are supportive of this change which will ensure that local election candidates in Northern Ireland are not disadvantage in comparison to local election candidates in Great Britain.

What was the previous policy, how is this different?

5.6 Previously, the candidate expenditure limits for local elections in Northern Ireland were set at £600 plus 5p per local government elector registered to vote in the district or electoral area in which they are standing.

5.7 The new policy will increase these limits and align them with the equivalent limits in England.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument amends section 42(1ZB) of the 1962 Act. It will substitute "£600" with "£960" and "5p" with "8p".

6.2 The amendments made by this instrument will come into force on the day after the day that it is made. Early commencement is considered justified because the amendments need to be in force well in advance of the local elections in May 2027. Early commencement will ensure that candidates will have sufficient time to familiarise themselves with the revised expenditure limits in readiness for the election period and those who are responsible for administering the elections will have as much notice as possible to the change in the rules that they will need to apply.

Why was this approach taken to change the law?

6.3 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 In accordance with the Secretary of State's duty to consult the Electoral Commission under section 7 of the Political Parties, Elections and Referendums Act 2000, the Electoral Commission was consulted during the preparation of this draft Order and is supportive of is measures.

8. Applicable Guidance

8.1 There is no guidance accompanying this Order.

8.2 The Electoral Commission produces its own guidance on spending limits and reporting for campaigning activity in Northern Ireland.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no, or no significant impact on the private, voluntary or public sector is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this order does not apply to businesses, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector. This is a technical change to ensure that candidate spending limits are fair and reflect the value of money for all elections in Northern Ireland.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that the Northern Ireland Office will keep the candidate expenditure limits under review in consultation with the Electoral Commission.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Hilary Benn MP, the Secretary of State for Northern Ireland has made the following statement regarding Human Rights:
"In my view the provisions of the Local Elections (Northern Ireland) (Uprating Election Expenses) order 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").