Draft Order laid before Parliament under paragraph 15 of Schedule 4A to the Representation of the People Act 1983, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. [XXX]

REPRESENTATION OF THE PEOPLE

The Representation of the People (Election Expenses Exclusion) Order 2013

Made - - - -	***
Coming into force - -	***

This Order is made by the Lord President of the Council in exercise of the power conferred by paragraph 15(1) of Schedule 4A to the Representation of the People Act 1983(**a**).

The Lord President of the Council has consulted the Electoral Commission about this Order in accordance with paragraph 15(3)(b) of Schedule 4A to the Representation of the People Act 1983.

A draft of this instrument has been laid before Parliament in accordance with paragraph 15 of Schedule 4A to the Representation of the People Act 1983, for approval by a resolution of each House of Parliament

Citation and commencement

1.—(1) This Order may be cited as the Representation of the People (Election Expenses Exclusion) Order 2013.

(2) This Order comes into force on the day after the day on which it is made.

New general exclusion from the definition of election expenses

2. In Part 2 of Schedule 4A to the Representation of the People Act 1983 (election expenses: general exclusions), after paragraph 7 insert—

> "**7A.**—(1) The provision of property, goods, services or facilities where the expenses are incurred for the purpose of removing, or mitigating the effect of, barriers to seeking elected office associated with the candidate's disability.
>
> (2) But an expense is within sub-paragraph (1) only to the extent that it is defrayed or reimbursed by, and was incurred in accordance with the terms of, a grant awarded by the relevant body out of the Access to Elected Office for Disabled People Fund.

(**a**) 1983 c.2. Schedule 4A to the Representation of the People Act 1983 was inserted by section 27(5) of the Electoral Administration Act 2006 (c.22). The power conferred on the Secretary of State by paragraph 15(1) of Schedule 4A was made exercisable concurrently by the Lord President of the Council and the Secretary of State, by the Lord President of the Council Order 2010 (S.I. 2010/1837).

(3) In this paragraph—

(a) "the Access to Elected Office for Disabled People Fund" means the fund known by that name comprising money provided by the Secretary of State for the purpose of defraying and reimbursing expenses within sub-paragraph (1);

(b) "the relevant body" means such body as is making funding decisions and administering payments out of that money pursuant to an agreement with the Secretary of State;

(c) "disability" has the same meaning as in the Equality Act 2010 (see section 6 of that Act).

(4) This paragraph ceases to have effect at the end of 30th June 2014; but that does not affect the continued operation of this paragraph in relation to expenses incurred and either defrayed or reimbursed, before that time.".

Signed by authority of the Lord President of the Council

Chloë Smith
Minister for Political and Constitutional Reform
Cabinet Office

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 4A to the Representation of the People Act 1983 ('the Act').

Part 2 of Schedule 4A to the Act (which is amended by article 2 of this Order) sets out a list of matters excluded from being "elections expenses". Matters set out in Part 2 are not subject to the requirements imposed on "elections expenses" by the Act, such as the limitation of election expenses provided for by section 76 of the Act.

Article 2 makes provision for a new Paragraph 7A to be inserted into Part 2 of Schedule 4A. New paragraph 7A exempts expenditure by or on behalf of disabled candidates which is designed to remove or reduce the barriers in seeking elected office faced by those candidates as a consequence of their disability and which non-disabled candidates do not face. The expenditure must also be in accordance with the conditions of and reimbursed by a grant awarded by the independent administrator who is contracted to operate the Access to Elected Office for Disabled People Fund (www.access-to-elected-office-fund.org.uk). The independent administrator operates the application and reimbursement scheme for the fund and is responsible for making the individual funding decisions in relation to applications to the fund.

For example a disabled candidate may require the use of specially adapted transportation or services in order to participate in door-to-door canvassing on a level basis with a non-disabled candidate, and so will incur an additional expense that the non-disabled candidate would not. Article 2 creates a new exemption from the regulation of 'election expenses' so that such additional expenses will not put disabled candidates (who have a relevant grant from the fund) at a disadvantage compared to non-disabled candidates as regards the election expenses limit and the regulation of 'election expenses' generally. This is because, amongst other things, without the exemption the additional cost of the specially adapted transportation would count towards the election expenses limit for the disabled candidate and so would reduce the amount that candidate is able to spend on other electoral expenses. Whereas the non-disabled candidate would have the entirety of the election expenses limit to spend on other election expenses.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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