



Campaigners and Part 2 of *Transparency of Lobbying etc Act 2014*

Standard Note: SN/PC06827

Last updated: 18 February 2014

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The regulation of third parties which register to campaign at general elections will be changed by the [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014](#), part 2. The provisions will not come into force until the day after the referendum on independence for Scotland on 18 September 2014 and the Electoral Commission will be issuing guidance in early July. In the meantime. The main changes are:

- A wider range of activities will be subject to the new rules on spending by non-party campaigners. Activities will be regulated if they can reasonably be regarded as intended to influence voters at the election. These include:
 - certain public rallies and events
 - press conferences and media events
 - canvassing and market research
 - transport in connection with publicising a campaign
- The thresholds above which third parties must register has been increased in order to reflect the wider ranges of activities regulated. These will be £20,000 in England or £10,000 in Scotland, Wales or Northern Ireland
- The amount non-party campaigners can spend at UK Parliamentary General Elections during the regulated period will be: • £319,800 in England • £55,400 in Scotland • £44,000 in Wales £30,800 in Northern Ireland.
- New limits on spending focus in particular constituencies, and on spending that is aimed at promoting one political party during the regulated period for a UK Parliamentary general election. This involves new pre-poll and post-poll reporting obligations.

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1 Introduction

The Electoral Commission is the body that regulates national campaigning at elections. It summarises the rules on non-party campaigning as follows:

There are rules that govern people and organisations who campaign in the run up to elections but are not standing as a political party or candidate. We call these people and organisations “non-party campaigners”. In electoral legislation they are called third parties.

Part 2 of *Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill* proposed changes in the regulation of third parties. The Act received royal assent on 30 January, following a controversial passage through Parliament. The Act provides for a review of the provisions following the next general election, with a report laid before Parliament.

The arguments and amendments are discussed in a series of Library briefings, including [Research Paper 13/51](#) and [Standard Note 6796](#) which discusses Lords amendments at the ping pong **stage. One of the amendments accepted in the Lords was a shortening of the regulated period** for third parties campaigning in the general election, from 365 days before the election to seven and a half months, beginning the day after the Scottish independence regulation on 18 September 2014. This gives the Electoral Commission more time to develop guidance for the new rules. The final form is expected in early July, but in the meantime, the Electoral Commission will be publishing a series of campaigner updates, available on their [Guidance for Campaigners](#) webpage.¹

The initial [Electoral Commission Update no 1](#), issued in February 2014 set out the changes:

The Act makes a number of changes to the current rules. It changes:

- when the rules apply
- what spending is covered
- what campaigners need to report to us

The rules apply in the run up to certain elections. We call this the “regulated period”. Under the new rules, the regulated period for the UK Parliamentary General Election will start on 19 September 2014 and will end on polling day, 7 May 2015.

If a non-party campaigner wants to spend more than £20,000 in England or £10,000 in Scotland, Wales or Northern Ireland during the regulated period, they must register with us.

There are rules on what non-party campaigners can spend on certain campaigning activities during the regulated period.

¹ The Electoral Commission also suggests “You can also sign up to receive these updates by calling 020 7271 0616 or [completing this form](#). “

A wider range of activities will be subject to the new rules on spending by non-party campaigners. Activities will be regulated if they can reasonably be regarded as intended to influence voters at the election. Spending on election material distributed to the public is already regulated. The new rules will also cover spending on:

- certain public rallies and events
- press conferences and media events
- canvassing and market research
- transport in connection with publicising a campaign

The amount non-party campaigners can spend at UK Parliamentary General Elections during the regulated period is:

- £319,800 in England
- £55,400 in Scotland
- £44,000 in Wales
- £30,800 in Northern Ireland

There are limits on spending focused in particular constituencies, and on spending that is aimed at promoting one political party during the regulated period for a UK Parliamentary general election. There are new pre-poll and post-poll reporting obligations.

The Current Rules

The current rules will continue to apply to non-party campaigners who are campaigning in the run up to the elections being held on 22 May 2014. The regulated period began on 23 January and will end on 22 May 2014.

These rules apply only to election material.

If a non-party campaigner wants to spend more than £10,000 in England or £5,000 in Scotland, Wales or Northern Ireland on election material, they need to register with us and comply with the rules on spending and donations.

You can find out more about the current rules in our guidance at <http://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/non-party-campaigners>

It should be noted that the spending limits which apply for seven and half months before the expected 2015 general election will also apply for the usual 365 period for later general elections. However there is statutory provision in the Act for a general review of the new provisions after the 2015 general election.

2 Changes made to part 2 of the Bill

The main umbrella group which campaigned for changes to the original version of part 2 of the Bill was the Commission on Civil Society and Democratic Engagement, chaired by Lord Harries of Pentregarth, former Bishop of Oxford. It produced two reports during the passage of the Bill. Following royal assent, the Commission summarised the changes as follows:

Key changes to the Bill

Key changes to the bill were agreed following [two authoritative reports](#) by the Commission on Civil Society and Democratic Engagement, and a united campaign by over 130 charities and campaigning groups.

Changes include:

Amending rules for organisations 'working to a joint plan' (coalitions) to exclude small-spending organisations (A39).

Excluding some costs from controlled expenditure:

Translation into Welsh (A44)

Disability access (A44)

Safety and security measures (43)

NI parades (42)

Clarify volunteer costs are excluded (A44)

Raising the threshold for non-party organisations to register with the Electoral Commission to £20,000 for England, £10,000 for Scotland, Wales and NI (A46).

Raising the spending limit for Scotland, Wales and Northern Ireland by £20,000 from the 70% cut initially proposed (A47).

Reducing the regulatory period from 1 year to 7.5 months for the 2015 General Election (A30-35).

Introducing a review of non-party campaigning rules after the 2015 General Election (A118).

Withdrawing post-dissolution spending caps in constituencies (A53).

Reduction in some regulatory burden (A50 A5).²

The Commission on Civil Society and Democratic Engagement commented:

What the Bill means for campaigning

The full implications of the Lobbying Bill will only be known once the Electoral Commission has produced guidance.

The Commission on Civil Society and Democratic Engagement will produce an interim briefing paper about what the changes to the law mean for charities and campaigning organisations.

Case studies highlighting the expected impact on a range of campaigning are [here](#).³

² [The Commission on Civil Engagement and Democratic Engagement](#)
³ <http://civilsocietycommission.info/>