



# THE LOBBYING ACT PART 2: WHAT DOES IT MEAN FOR YOU?

a briefing by

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# THE LOBBYING ACT PART 2: WHAT DOES IT MEAN FOR YOU?

## BRIEFING

The Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 (or Lobbying Act) comes into force on Friday 19<sup>th</sup> September 2014 and will affect your organisation's campaigning activity, both at the next General Election and beyond. All charities and organisations that lobby Government need to know what it means.

Unfortunately, it is difficult to know exactly what it will mean in practice – the Act is deliberately vague and the full impact of its provisions are still unclear – but this briefing will help to clarify what it does and doesn't mean. Connect has analysed the commentary as far as we know it but we would recommend consulting with the Electoral Commission itself before making any decision on whether or not to register your expenditure.

## WHAT DOES IT DO?

**The Act aims to curb the influence of non-party campaigning groups** during the 12 months prior to a General Election by reducing the campaign spending limit across the UK **from £989,000 to £450,000** (although for the purposes of the 2015 General Election this period is 7.5 months from September 2014).

It also introduces limits on the maximum amount any non-party campaigning organisation is able to spend on campaigning before having to register with the Electoral Commission: £20,000 in England and £10,000 in Scotland, Wales and Northern Ireland. Once registered, non-party campaigning organisations would not be able to spend more than the upper limits.

Following criticism of the imposition of spending controls on 'campaigning organisations', the Government amended the Act to adjust the caps for the spending of coalitions of third parties (which has the same caps as individual organisations). These amendments have the effect *"that a third party can nominate another third party, one it is in a coalition with, to act as a 'lead campaigner'"* with the original third party becoming a 'minor campaigner'. The 'minor campaigner' *"would not then in any way be required to account for either its own expenditure or that of the wider coalition."*

The Act would not necessarily curb the ability for any organisation to campaign during an election but would lower the limit on the amount that could be spent. It is worth noting that only 2 organisations spent more than the originally proposed spending limit at the last election, meaning that most organisations' campaigning would not be impacted by the lowered cap. However, the lowering in limits on campaign spending before it must be registered with the Electoral Commission will mean a number of organisations who campaign will have to make detailed reports of spending (including on staff) by constituency.

## DO YOU NEED TO REGISTER WITH THE ELECTORAL COMMISSION?

The simplest way to understand whether you need to register your campaign expenditure with the Electoral Commission is to see whether your activity would pass two tests: the 'purpose test' and the 'public test'. Only campaign activity spending that comes to more than £20,000 in England and £10,000 in Scotland, Wales and Northern Ireland (in total) and that meets the two





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- public processions or protest meetings in Northern Ireland, where notice has been given under the Public Processions (Northern Ireland) Act 1998

## SPENDING LIMITS?

The new spending limits for registered and non-registered campaigners are as follows:

	REGISTERED CAMPAIGNERS		REGISTERED OR UNREGISTERED	UNREGISTERED CAMPAIGNERS
	NATIONAL SPENDING LIMITS	TARGETED SPENDING LIMITS FOR SUPPORTING A POLITICAL PARTY WITHOUT SEEKING THEIR PERMISSION	NEW CONSTITUENCY SPENDING LIMITS	SPENDING LIMIT FOR UNREGISTERED CAMPAIGNERS
ENGLAND	£319,800	£32,000	£9,750	£20,000
SCOTLAND	£55,400	£3,500		£10,000
WALES	£44,000	£2,400		£10,000
N IRELAND	£30,800	£1,100		£10,000

As set out in the table above, a total of £450,000 can be spent by registered campaigners in the 12 months before the General Election (or in the months from Friday 19<sup>th</sup> September for the 2015 General Election). Of this, £32,000 can be spent on specifically supporting a political party without seeking their permission to do so first. This figure is £3,500, £2,400 and £1,100 in Scotland, Wales and Northern Ireland respectively.

Campaigners will only be able to spend £9,750 in total in any parliamentary constituency – this figure applies for those who have registered their spending and those who have not.

If your organisation spends less than £20,000 in England, or £10,000 in Scotland, Wales or Northern Ireland you will not have to register with the Electoral Commission.

## CAMPAIGNING IN A COALITION?

When campaigning as part of a coalition, the £450,000 limit still applies, but coalitions can nominate a 'lead' campaigner and 'minor campaigners'. Provided these 'leads' and 'minors' are specified to the Electoral Commission, the 'lead campaigner' can have all of the coalition's spending attributed to them. As long as the 'minor campaigners' of the coalition do not spend more than the £20,000 spending limit in England (or £10,000 in Scotland, Wales or Northern Ireland), they will not have to register.





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However, if any of the 'minor campaigners' spend more than the limit on their own individual activity they will still have to register with the Electoral Commission for that spending but not for the spending in coalition.

More information on working together can be found in the Electoral Commission's guide [here](#).

## THINGS TO CONSIDER?

The national spending limits on campaigning by local parties are set out above, but there is still a great deal of uncertainty surrounding what is and is not considered to be political campaigning that would need to be registered, making it hard to determine what is actually covered by the Act. However the Government has been clear that the rules are not designed to inhibit an organisation from making its views known; it is rather about making spending on that messaging more transparent.

The Government has committed to reviewing these rules after the 2015 General Election, and it is likely that Labour would also commit to such a move. Given this, it is possible that the rules could be amended further for the next General Election after 2015. Indeed, it is possible that we will only have a clear understanding of what the Lobbying Act covers in the aftermath of the 2015 General Election.

If it is feasible, you should consider whether you can prove that your responses to announcements are not significantly different from your messaging priorities before Friday 19<sup>th</sup> September. It would therefore be a good idea to ensure that there is a system of checks in place for all material produced and released in the run-up to the General Election to ensure that it does not fall under campaigning which must be registered.

Most importantly, however, if you are unclear of whether you're campaigning meets the 'Purpose' and 'Public' tests, in the first instance you should seek legal advice or consult the Electoral Commission itself. The Electoral Commission has set up an inquiries line to answer any questions from organisations about the Lobbying Act, which can be contacted via email on: [pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk).

## FOR MORE INFORMATION

If you would like any further information on any aspect of this briefing, please do not hesitate to contact us on 020 7592 9592.

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