



Commission on Civil Society and Democratic Engagement

The Lobbying Act: Analysis of the law, and regulatory guidance recommendations

February 2014

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1. Introduction

The Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act 2014 (the Lobbying Act) was passed on 30 January 2014 after significant controversy over its provisions and the process of lawmaking.

This document is to record and analyse key elements of the new law. It highlights:

- how the law is different from the pre-existing The Political Parties, Elections and Referendums Act 2000
- how the law is different from the Bill originally published by Government
- and the extent to which recommendations of the Harries Commission, supported by charities and campaign groups, shaped the law.

This document also draws on the evidence of charities and campaign groups, analysis of the law, and analysis of Ministerial statements during the parliamentary process to make recommendations which we hope will inform the drafting of the Electoral Commission's regulatory guidance ahead of the 2015 General Election.

The full implications of the law for charities and campaigning groups will only be evident as the organisations work through their plans, taking into account the Electoral Commission's guidance. This document is not intended to be and should not be used as guidance about the new rules of campaigning

“In trying to ward off a hypothetical abuse of the electoral system the Government is inflicting unnecessary and unenforceable regulation on campaigning groups, who now play such a key role in keeping our democracy alive.”

Lord Harries of Pentregarth,
Chair of the Commission on Civil Society
and Democratic Engagement

2. About the Commission on Civil Society and Democratic Engagement

The Commission on Civil Society and Democratic Engagement was set up in October 2013 following concerns expressed by Helen Mountfield QC that the Lobbying Bill was likely to have a 'chilling effect' on campaigning.

Following a failure of Government to consult, or bring forward evidence to substantiate the need for changes to the law, the Commission undertook nationwide consultation and evidence gathering in October and November 2013. It gathered evidence from non-party campaigners and relevant stakeholders including the Electoral and Charity Commissions about what regulation is needed of non-party campaigning ahead of elections and how regulations should be balanced with freedom of speech and expression.

The Commission is chaired by Lord Harries of Pentregarth, former Bishop of Oxford, and has nine commissioners spanning range of backgrounds in Parliament and non-party campaigning. It is supported by over 150 charities and campaign groups.

The Commission will be referred to as 'the Harries Commission' in this document to avoid confusion with the Electoral and Charity Commissions.

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3. About the Electoral Commission's role and forthcoming guidance

The Electoral Commission is the statutory regulator of non-party campaigning in relation to political parties or groups of candidates ahead of elections. It is tasked with writing guidance to set out how Part 2 of the Lobbying Act will be applied.

The Commission will be seeking input from charities and campaigning groups ahead of publishing guidance by early July 2014.

The Electoral Commission and Charity Commissions have committed to working together to ensure that charities have clear reliable guidance about how to comply with the rules. The Electoral Commission and Charity Commission for England and Wales have committed to produce a joint introductory guide for charities that need to understand if their activities are covered by non-party campaigning rules.

The Electoral Commission is the statutory regulator and has the power to issue civil penalties and enforcement notices for breaches of the law. Some breaches are criminal offences and could result in prosecution.

The police are responsible for dealing with breaches of the rules on non-party campaigning for or against individual candidates under the Representation of the People Act.

“Non-party campaigners have an important role to play in our democracy but it is also right that where they are spending significant amounts of money to influence elections that this is transparent to voters. Our priority now that this legislation has passed is to ensure that campaigners are aware that the rules they must follow have changed.

“We will produce guidance in the coming months to help all non-party campaigners across the UK comply with the new rules. We are already working with the UK's charity regulators to produce guidance and advice specifically for charities to help them plan their activities.”

Peter Horne, Director of Party and Election
Finance, the Electoral Commission

4. Table of changes to the law and regulatory guidance needed

This table shows changes to the law passed in the Lobbying Act in comparison with:

- The Political Parties, Elections and Referendums Act 2000, as it stands prior to amendment by the Act
- The original Lobbying Bill proposals when the draft legislation was published
- The Harries Commission recommendations, and which ones were adopted into law

The table also points to guidance the Harries Commission thinks is needed from the Electoral Commission to clarify how they believe the law should work in practice.

Area of regulation	Political Parties, Elections and Referendums Act 2000	Lobbying Bill as first proposed	Harries Commission recommendations	Lobbying Act	Regulatory guidance needed
<p>The definition of ‘controlled’ campaigning expenditure</p> <p>This determines which campaigning activities could influence the outcome of an election for particular parties or groups of candidates</p>	<p>Campaigning that can reasonably be regarded as intended to promote or procure electoral success of a party or candidates.</p> <p>This can include campaigning that does not mention a party or candidates, and for which the primary purpose of</p>	<p>The same definition plus it was proposed to add a new test of <i>effect</i> as well as <i>intent</i> to the judgment about whether campaigning activity promotes or procures the electoral success of a party or candidates – which would have made more activity subject to regulation.</p> <p>This was withdrawn at</p>	<p>Good electoral law should not restrict the policy campaigning activity of charities or campaigning groups – even if the policy issue becomes politically contentious.</p> <p>Government partially accepted this recommendation – leaving it to guidance, not law.</p>	<p>No significant change to the PPERA definition.</p> <p>Ministers made ‘Pepper v Hart’ statements on behalf of Government saying:</p> <ul style="list-style-type: none"> • The law is not intended to restrict the normal policy campaigning activity of charities or campaigning groups. • Campaigning for or 	<p>Clear guidance about the sorts of campaigning that are likely to be seen as intended to influence the outcome of an election – reflecting the ‘Pepper v Hart’ statement of intentions of Government.</p>

Area of regulation	Political Parties, Elections and Referendums Act 2000	Lobbying Bill as first proposed	Harries Commission recommendations	Lobbying Act	Regulatory guidance needed
	<p>the campaign is not party political.</p> <p>(Full definition of 'controlled expenditure' below*)</p>	Commons Report stage.	A tighter definition in law is needed but the Bill process did not allow time to develop a rigorous alternative.	against bills in Parliament in particular would not normally be subject to regulation.	
<p>Duration of the regulatory period</p> <p>The time that pre-election campaigning rules apply</p>	12 months for UK general elections and 4 months for elections to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly and the European Parliament	12 months for UK general elections and 4 months for to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly and the European Parliament	6 months for all elections Government partially accepted this recommendation.	For the 2015 UK General Election, the period will run from 19 September 2014 to 7 May 2015. For future elections, the PPERA periods will continue to apply.	None Note: The EC recommended a 6 month period for the 2015 GE. Government partially accepted this recommendation.

Area of regulation	Political Parties, Elections and Referendums Act 2000	Lobbying Bill as first proposed	Harries Commission recommendations	Lobbying Act	Regulatory guidance needed
<p>Registration threshold</p> <p>This is the amount of money that can be spent before having to register with the Electoral Commission.</p>	<p>£10,000 in England</p> <p>£5,000 in Scotland, Wales and Northern Ireland</p>	<p>Halve to £5,000 in England</p> <p>More than halve to £2,000 in Scotland, Wales and Northern Ireland</p>	<p>Double to:</p> <ul style="list-style-type: none"> · £20,000 in England and · £10,000 in Scotland, Wales and Northern Ireland <p>Government accepted this recommendation.</p>	<p>Doubled to:</p> <ul style="list-style-type: none"> · £20,000 in England and · £10,000 in Scotland, Wales and Northern Ireland 	<p>None</p>
<p>National spending limits</p> <p>This is the total cap on spending in each country – including any spending focused on individual constituencies or in coalitions of groups.</p>	<p>£793,500 in England</p> <p>£108,000 in Scotland</p> <p>£60,000 in Wales</p> <p>£27,000 in Northern Ireland</p>	<p>Cut by 60% to:</p> <ul style="list-style-type: none"> · £319,800 in England <p>Cut by around 70% to:</p> <ul style="list-style-type: none"> · £35,400 in Scotland · £24,000 in Wales, and · £10,800 in Northern Ireland 	<p>Increase PPERA spending limits by inflation since 2000.</p> <p>Government rejected this recommendation.</p> <p>Spending limits should not be disproportionately cut in Scotland, Wales and NI.</p> <p>Government accepted this recommendation.</p>	<p>Cut by around 60% to:</p> <ul style="list-style-type: none"> · £319,800 in England · £55,400 in Scotland · £44,000 in Wales · £30,800 in Northern Ireland 	<p>None</p> <p>Note: The EC recommended that spending limits should be reconsidered upwards if more activities are included in regulation. Government rejected this advice.</p>

Area of regulation	Political Parties, Elections and Referendums Act 2000	Lobbying Bill as first proposed	Harries Commission recommendations	Lobbying Act	Regulatory guidance needed
<p>Constituency spending limits This is the total amount of money that can be spent in campaigning focused on a particular constituency.</p>	<p>No constituency-spending limits. Note: there are other restrictions on certain spending in constituencies under the Representation of the People Act 1983</p>	<p>£9,750 in each constituency A maximum of £5,850 can be spent in the four to five weeks between the dissolution of Parliament and the election.</p>	<p>No constituency-level regulation. Government rejected this recommendation.</p>	<p>£9,750 in each constituency No post dissolution spending cap. Note the spending cap is now below the regulatory threshold so enforcement is reliant on a process of complaint and investigation.</p>	<p>Confirmation of any changes to the Electoral Commission's enforcement policy a result of the Act. Note: The EC warned that constituency limits may be unenforceable except in extreme cases. Government rejected this advice.</p>

Area of regulation	Political Parties, Elections and Referendums Act 2000	Lobbying Bill as first proposed	Harries Commission recommendations	Lobbying Act	Regulatory guidance needed
<p>Definition of constituency campaigning This determines what is subject to constituency vs national spending limits.</p>	<p>No definition of constituency campaigning.</p>	<p>Activity that affects one or more particular constituencies and has no significant effect on others.</p>	<p>If Government insists on constituency regulation the law should make explicit that only activity directly targeted at constituencies should be subject to constituency spending limits.</p> <p>Government partially accepted this recommendation – leaving it to guidance, not law.</p>	<p>No change from Bill as proposed</p> <p>Ministers made clear it was the intention of Government that only activity directly targeted at constituencies should be subject to constituency spending limits. However, without a proper definition in law, uncertainty will remain even after the guidance is published.</p>	<p>Clear guidance that reflects the ‘Pepper vHart’ statement of intentions of Government to the extent legally possible.</p> <p>Note: The EC agreed with a Harries amendment to clarify in law what activity is deemed to be targeted at constituencies. This amendment was overturned in the House of Commons. Government rejected the Electora; Commission’s advice.</p>
<p>Regulated activities This determines the scope of campaigning</p>	<p>Written materials made available to the public and associated costs including staff costs.</p>	<p>Written materials as before, but also market research, public meetings, press events and transport</p>	<p>Exclude staff costs.</p> <p>Government rejected this recommendation.</p>	<p>As in Bill as proposed with insignificant amendments Including all associated staff costs</p>	<p>Make clear the scope of the exclusions.</p> <p>Enhance existing guidance on how staff costs should be</p>

Area of regulation	Political Parties, Elections and Referendums Act 2000	Lobbying Bill as first proposed	Harries Commission recommendations	Lobbying Act	Regulatory guidance needed
activities subject to regulation		Including associated and staff costs	<p>Exclude.</p> <ul style="list-style-type: none"> · Disability accessibility costs · Safety and security costs · Translation costs (all languages) <p>Government accepted this recommendation (apart from non-Welsh languages).</p>	<p>Exclude:</p> <ul style="list-style-type: none"> · Disability accessibility costs · Safety and security costs · Translation costs to and from Welsh <p>Ministers said it would be for non-party campaigners to declare 'reasonable' staff costs and that no time sheet would need to be kept.</p>	<p>calculated.</p> <p>Note: The EC recommended that staff costs be excluded for the 2015 General Election.</p> <p>Government rejected this advice.</p>
<p>Non-party campaigning supporters</p> <p>This defines who is an active supporter of a group – and therefore communication costs are excluded from regulation, and</p>	<p>Only material made available to the public or a section of it counts for regulatory purposes. No definition of what is meant by the 'public'.</p>	<p>No change</p>	<p>Modernise the definition of a 'supporter' to include all active participants of non-party campaigning organisations in the previous year including non-financial supporters.</p> <p>Government partially accepted this recommendation – leaving it to guidance, not law.</p>	<p>No change in the law.</p> <p>Ministers made a statement that they expect Electoral Commission guidance to mean that active supporters of campaigning organisations are not considered to be 'the public'. Existing Electoral Commission guidance already does this.</p>	<p>Enhance existing guidance on what is meant by an 'active supporter'.</p>

Area of regulation	Political Parties, Elections and Referendums Act 2000	Lobbying Bill as first proposed	Harries Commission recommendations	Lobbying Act	Regulatory guidance needed
who is member of the public.					
Charities' requirements to register	A charity campaigning on issues of policy may legitimately fall within the scope of PPERA while complying with charity law.	No change	<p>Exempting charities would introduce inequalities based on the type of organisation not the nature of campaigning. There were concerns that withdrawal from electoral law would signal charity acquiescence with a more limited less campaign-orientated role.</p> <p>The Electoral and Charity Commissions should produce joint or coordinated advice for charities.</p>	No change	The Electoral Commission and Charity Commission have agreed to produce joint introductory guidance for charities

Area of regulation	Political Parties, Elections and Referendums Act 2000	Lobbying Bill as first proposed	Harries Commission recommendations	Lobbying Act	Regulatory guidance needed
<p>Review of the law</p>	<p>No formal mechanism for review of the principles of the law and its effect as the Electoral Commission's role is focused on the workability of the rules.</p>	<p>No change</p>	<p>The Lobbying Act should apply to the 2015 General Election only and should be replaced following a review of non-party campaigning regulation. The review should report to Parliament within 18 months of the election and any new law should be introduced within 2 years of the election.</p> <p>Government partially accepted the recommendation – there will be a review but there is no sunset clause requiring the demise of the Act.</p> <p>Any review should be based on evidence. A body should be appointed to collect the relevant evidence. The Commission proposed types of evidence to be collected.</p>	<p>There will be a review of non-party campaigning after the 2015 General Election which will report to Parliament within 18 months of the election.</p> <p>An independent reviewer (person or body tbd) will be appointed ahead of the regulatory period to undertake appropriate research.</p> <p>Scope of review?</p> <p>The scope of the evidence gathering is tbd.</p> <p>The Act includes a power for the Secretary of State to amend Part 2 or the relevant sections of PPERA 2000 before the general election, subject to the</p>	<p>Ensure they have all the information they need from charities and campaign groups to be able to assess workability of the Lobbying Act.</p>

Area of regulation	Political Parties, Elections and Referendums Act 2000	Lobbying Bill as first proposed	Harries Commission recommendations	Lobbying Act	Regulatory guidance needed
			Recommendation accepted .	consent of both Houses.	
<p>Campaigning in coalitions</p> <p>The sets out the rules for groups campaigning together to a joint plan.</p>	<p>Organisations working 'to a joint plan' have to count all the spending as part of the plan towards their own limits, regardless of their own contribution.</p>	<p>No change to the coalition rules – coalitions would have to operate within much tighter national spending limits.</p>	<p>Where an organisation only takes part in regulated activity as part of a single coalition, it will not have to register separately with the Electoral Commission, provided that all its relevant spending does not exceed the registration threshold and is reported through either the coalition or one of the coalition partners.</p> <p>Government accepted a variation of this recommendation.</p>	<p>Organisations can become 'lead campaigners' with the Electoral Commission and take responsibility for reporting spending on behalf of minor campaigners who are part of the coalition, providing that the minor campaigner does not spend more than the registration threshold.</p>	<p>Set out how the new administrative processes for small-spending and sponsor organisations will work.</p>

Supporting information

* The definition of controlled expenditure

Expenditure that can reasonably be regarded as intended to promote or procure electoral success at any relevant election for—

- (i) one or more particular registered parties,
- (ii) one or more registered parties who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of such parties, or
- (iii) candidates who hold (or do not hold) particular opinions or who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of candidates.

A course of conduct may constitute [promoting or procuring electoral success] even though it does not involve any express mention being made of the name of any party or candidate.

In determining whether expenditure can reasonably be regarded as intended to promote or procure electoral success it is immaterial that it can reasonably be regarded as intended to have another effect as well.

** 'Pepper v Hart'

The refers to a legal precedent from a case heard in 1993 in the House of Lords, which suggests that when primary legislation is ambiguous or obscure, the court may have reference to the Official Record of debate in Parliament (Hansard) to interpret Parliament's intention. It should be noted that where the law is clear, there is no scope to apply the rule in Pepper v Hart. For the purposes of this document, we have assumed that the relevant ministerial statements meet the legal test.

7. Concerns remaining about the law

The main concerns the Harries Commission has about the law are:

- i) Overall the law will limit the ability of many charities and campaigning groups to fulfil their core function on behalf of their supporters because campaigning ahead of elections will be restricted on a scale never before experienced.
- ii) Limiting charity and campaigning groups' ability to speak out on key issues facing the country and the planet will weaken our democracy and will lead to a less well informed and engaged electorate.
- iii) The law does not correspond to how charities and campaign groups operate and parts of it may prove to be unworkable; the Electoral Commission says that some aspects may be unenforceable except in extreme cases.
- iv) The law is badly drafted and is ambiguous in its meaning in parts. Important matters of law that should have been decided by Parliament will now be for the Electoral Commission to make judgements about - a position it has made clear is not appropriate for an un-elected regulator.

8. Timetable: guidance and review of non-party campaigning law

Following a Harries commission recommendation, there will be a full review of non-party campaigning regulation after the 2015 general election. This review must report to Parliament within 18 months of the election. The scope and nature of the review are to be determined.

Following a Harries commission recommendation, a new individual or body will be set up to gather evidence during the regulated period in order to advise on a review of the law post-2015. The body or individual has yet to be appointed. The scope of official evidence gathering has yet to be determined. The resources available for the intelligence gathering are to be determined.

The Electoral Commission, as the regulator, has a responsibility to report to Parliament about the conduct of every election and will report after the 2015 general election. This will help inform a review of what law is needed.

Date	The Electoral Commission	The Harries Commission
Now - early July	<p>Meet with charities and campaign groups and other non-party campaigners to discuss the guidance needed.</p> <p>Meet with the Charity Commissions to discuss coordinated guidance for charities.</p> <p>Draft new guidance and review existing guidance.</p> <p>Talk to charities and campaign groups to help them understand the new law.</p>	<p>Publish a report analysing the new law.</p> <p>Continue to update the website with information about developments.</p>
Early July - 19 Sept	<p>Talk to charities and campaign groups to help them understand the new law - including giving advice about plans for campaigning in the regulated period.</p>	<p>Work with charities and campaign groups and the major stakeholders to identify what evidence needs to be gathered during the regulated period to help inform a post-2015 review. (Building on the Harries Commission's second report which identified many areas of evidence that government had failed to produce)</p>

Date	The Electoral Commission	The Harries Commission
19 Sept 2013 - 7 May 2015 (the regulated period)	<p>Regulate the election: monitor non-party campaigning (and party campaigning).</p> <p>Gather evidence about how the new law is working.</p>	Facilitate charities and campaign groups gathering evidence if needed.
8 May 2015 - Nov 2016 (the date by which a review of all non-party campaigning regulation must be completed and reported to Parliament)	Publish a report to Parliament about the 2015 general election.	<p>Contribute evidence to a review of the law.</p> <p>If necessary, consult charities and campaign groups and the major stakeholders and produce a report on the changes to the law needed.</p>

9. Frequently Asked Questions

This section is intended to help charities and campaign groups to understand the meaning of the Act.

About Part 2 of the Lobbying Act

1. When does the regulatory period start and end?

It starts on 19 September 2014 and ends on 7 May 2015.

2. What are 'non-party campaigners' and 'third parties'?

Non-party campaigners are individuals or organisations that campaign in elections, but are not standing as political parties or candidates. In electoral law, these individuals or organisations are also called 'third parties'.

3. What is deemed to be 'promoting or procuring the electoral success of a party or candidates'?

The Electoral Commission gave three examples in a [briefing paper](#) to parliament in November 2013:

Example 1: leaflet naming candidates who support a policy position

A charity (or campaign group) invites election candidates to say whether they support its views on a policy issue, and then publicly distributes a leaflet setting out the names of candidates from different parties who express support. The charity decides to produce the material to comment on public policy and influence politicians to support the interests of its beneficiaries. The spending could also reasonably be seen by others as intended to encourage the public to vote in a certain way in relation to the candidates and parties named on the leaflet, even though it is not the charity's intention. The costs of this activity are likely to be regulated if the activity takes place in the year before a UK general election and if the charity's spending on regulated activities exceeds the threshold for registering as a non-party campaigner.

Example 2: campaign to call for change in the law

In the run-up to the UK general election a charity (or campaign group) decides to call for a particular piece of legislation to be repealed in order to further its charitable purposes. It organises large public meetings and places advertisements in many national newspapers calling for

the change. The change is already well known to be supported by some political parties, and to be opposed by others. The charity avoids drawing attention to the positions of different parties on this issue. But it is promoting a change to the law which is so closely and publicly associated with some parties that its activities could reasonably be seen by others as intended to encourage voters to support parties that have said they will repeal the legislation. The costs of the activities are likely to be regulated if the charity's spending on regulated activities exceeds the threshold for registering as a non-party campaigner

Example 3: long-term campaign on a policy issue which is subsequently adopted by one or more political parties

A charity (or campaign group) has a long established record of campaigning on a policy issue to further its charitable purposes. It continues its normal activities to highlight this issue during the year before the election and the costs of this work are not regulated. Two months before the election, a political party publicly adopts the policy and solutions that the charity has already been campaigning for. The charity's previous work will not become regulated as a result of this decision by a political party. But its subsequent campaigning could be regulated if the charity decides to publicise the political party's support, or decides to alter or increase its campaigning activity on the policy as a result of the political party's support.

4. Does this law apply to all elections and referendums?

No. It applies to UK General Election to elections to the Scottish Parliament, National Assembly for Wales, Northern Ireland Assembly and the European Parliament. It only applies to local elections where they fall within a regulated period for another election.

The new constituency spending limits only apply to UK general elections.

The rules come into force after the 2014 European Election and the Scottish referendum.

5. What is the difference between the registration threshold and the spending limit?

The **threshold** is the amount of money above which your organisation is required to register with the Electoral Commission. You then have to comply with reporting requirements and with tight new spending restrictions, which could limit the scale of campaigning you can undertake.

The **spending limit** is the total amount of money you can spend on a campaign. There are different spending limits for England, Wales and NI and for constituencies - see above table.

6. Does all spending have to be allocated to constituency from now on?

Although you must allocate all your spending across constituencies, you can do this on the basis that it affects them all equally, unless you are focussing on one or more particular constituencies. Unfortunately, the law is very unclear as to what should be caught by these limits. Ministers have stated that intentional targeting only should be covered but the practical effect will need to be assessed in the light of the Electoral Commission's guidance.

7. Are there any types of campaigning activities not covered by the new rules?

Yes. Campaigning directed at parliamentarians or communication with your active supporters is excluded. Newspapers do not have to comply with these rules - so they can campaign as much as they want.

1. How will staff costs be calculated?

Ministers said that a fair assessment of staff costs will need to be declared, but there will be no requirement to keep time sheets to account for every minute. This reflects current Electoral Commission guidance, and it is expected that they will continue to follow this principle.

2. Are volunteers covered by the spending limits?

No. Volunteer time and expenses are also not covered, so long as you don't reimburse them.

3. Does unpaid staff overtime count as volunteer time?

In many circumstances, it will do, but you will need to make sure that it is genuinely unpaid overtime, and not a required part of their job.

25. My organisation has a range of supporters – donors, activists, people who sign petitions, people who come to events, volunteers, people who receive our newsletters – do they all count as 'supporters' for the purpose of the Lobbying Act?

The definition of a supporter is important because costs of communicating with supporters are not included in the rules, but communicating with the public is. The Electoral Commission will issue general guidance about who is defined as a supporter and who is deemed to be a member of the public, but inevitably it will not cover all scenarios.

About planning a campaign in the regulated period

1. What practical steps should I take when thinking about campaigns?

The Electoral Commission advise that groups will need to go through the following process to assess what they need to do:

- (1) Assess whether any planned activity will fall into the new list of categories covered by the Act and whether such activities can reasonably be seen as intended to promote the electoral success of a political party or candidates;
- (2) Estimate the likely costs of those activities, including staff costs;
- (3) Estimate whether the costs relate to activity in particular constituencies;
- (4) Consider whether plans include coordinated campaigning with other organisations;
- (5) Calculate whether planned spending will exceed the threshold that requires registration with the Electoral Commission; and
- (6) Check that planned spending will stay within the reduced spending limits across the UK and the new spending limits for activity in constituencies.'

2. Where can I find guidance about campaigning ahead of the 2014 Euro elections?

Electoral Commission guidance is here: http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/105936/intro-campaigner-npc.pdf

26. Who should I contact if I have questions or need advice?

- The Electoral Commission is there to help non-party organisations comply with the rules - not just to impose sanctions if the rules are broken. They are expecting to receive lots of requests for advice from NGOs.

England: 020 7271 0616 pef@electoralcommission.org.uk

Scotland: 0131 225 0200 infoscotland@electoralcommission.org.uk

Wales: 029 2034 6800 infowales@electoralcommission.org.uk

Northern Ireland: 028 9089 4020 inonorthenireland@electoralcommission.org.uk

There will be some questions that they can answer straight away because some elements of the law are unchanged. But they are drafting guidance about the new law which will be published in early July. They may need to draft the guidance before being able to answer questions about the new parts of the law.

The Electoral Commission is inviting charities and campaign groups to join an email list for updates. Visit: www.electoralcommission.org.uk

- You may also want to seek independent legal advice from a specialist in electoral law about your organisation's specific campaigning plans.

About campaigning activities

1. Do we have to stop letters and meetings with government and MPs?

No. Communication with MPs and peers is not covered by the Act. So there are no spending limits on this campaigning and it will not count towards meeting the regulatory threshold. Travel and other associated costs with meeting parliamentarians are also not covered.

2. Can we frontload the costs? ie spend lots of money just before the 19th September?

Yes. There is no limit on the money that non-party campaigners can spend ahead of the regulated period. However, you can't stockpile materials for use after 19th September – items used after that date will count, regardless of when you bought them.

22. Will briefings and campaign materials on our website be caught by the Act?

The Electoral Commission has said that whilst a website is open to members of the general public, and not just supporters of non-party organisations, policy briefings on websites will only be considered to be relevant if they fall within the definition of controlled activity and are 'actively promoted to the public'.

23. What impact will the new law have on party conferences in autumn 2014 – can my organisation still have stands, run events etc?

Party conferences are open to 'the public' as well as elected politicians and charity and campaign group members, so activity could fall within the definition of controlled activity – and thus count towards your organisation's threshold and spending limits.

About complying with the law and enforcement

3. What would happen if my NGO broke the rules either by failing to register or exceeding the spending limits?

The Electoral Commission can impose civil penalties, and issue enforcement notices to make you stop what you are doing until you comply. In the

worst cases, criminal prosecution is possible.

4. How will the Electoral Commission know whether my organisation is keeping to the rules?

Four ways:

i) Many charities and campaigning groups will talk to the Electoral Commission about campaigning they are planning and the Commission will advise and then keep a watching brief.

iii) The Electoral Commission is likely to monitor campaigning activity during the regulated period (although it will be impossible for them to be comprehensive) and may contact your organisation if it thinks you may need advice to stay within the rules.

iii) Other organisations or individuals may complain to the Electoral Commission, which will decide whether to investigate.

5. Do charities have to comply with the Lobbying Act?

Yes. The Charity Commissions, Electoral Commission and Ministers agree that there are circumstances in which it would be proper and appropriate for charities to register with the Electoral Commission as a 'third party' and still comply with their requirements as a charity.

20. Which organisations are no longer affected by this law, after amendments to the Bill?

Organisations spending under the £20,000 registration threshold for controlled expenditure are no longer affected. (the Bill originally proposed a threshold of £5,000)

Organisations spending under the threshold but working to a joint plan (in a coalition) with organisations spending above the threshold will no longer need to register with the Electoral Commission so long as a sponsor organisation reports their spending for them.

24. What if we plan to spend less than £20K and then happen to spend more as a policy issue we work on becomes of greater public importance? Can we register at any time in the lead up to the election? Will we have to report on the money we spent before we registered?

You can register at any time point during the regulated period that you reach the spending threshold. All of your spending in the regulated period will be counted.

There is a positive change in the law to mean that if you register because you expect to exceed the registration threshold but then spend less than the threshold, you will not be subject to the full reporting requirements.

Further information

This briefing has been written on behalf of the Harries Commission by:

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