

Lobbying Bill — impact on charity campaigning?

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The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill (the 'Bill'), which received its second reading in the House of Commons on 3 September, introduces new rules regarding campaigning activities which will affect the ability of charities to campaign on political issues. The Cabinet Office has stated that the Bill was designed to give *'greater transparency where third parties campaign in a way which supports a particular political party or its candidates.'*

As the law currently stands, charities are prevented from engaging in campaigning with a party political motive. Under the Bill's second reading it was to be a criminal offence to spend more than £390,000 on campaigns that affect European, national and local elections, and anyone who spent more than £5,000 on campaigning activities will be required to register with the Electoral Commission. The definition of what constitutes 'spending' was also to be widened to include overheads and staff costs.

Helen Mountfield QC, a leading human rights barrister, has expressed the view that *'the restrictions and restraints are so wide and so burdensome as arguably to amount to a disproportionate restraint on freedom of expression.'* The director of public policy at NCVO, Karl Wilding, has also argued that the lack of clarity as to what constitutes election-related activity means that charities will be in a position where *'no one has any idea what the rules are, but may nevertheless face criminal prosecution for getting them wrong.'* As a result, the Electoral Commission has stated that it has *'significant concerns'* about the Bill.

On Friday 6 September the government announced that it was rowing back on some of the more draconian proposals, meaning that the rules on spending which could influence elections will now stay in their existing form under which controlled expenditure is only spending which is intended to promote or procure electoral success.

Sir Stuart Etherington, chief executive of the National Council for Voluntary Organisations, welcomed the changes but said that more needed to be done about the "ambiguous and damaging" legislation or it would make it more difficult for charities to engage with public policy debates.