

Unsure of what we meant in the flowchart overleaf? Here are some definitions and further information:

Policy or campaigns work: Policy or campaigns expenses for the purposes of the law include things like printing flyers, market research, media events and even certain staff costs. The Electoral Commission have produced guidance, available on their website, on which costs should be accounted for.

Geographical political constituency: In the run-up to the 2015 General Election, constituency refers to Westminster political constituencies. If you are not sure which constituency your campaign falls within, use Parliament's 'Find your MP' service on www.parliament.uk. Separate spending rules kick in if your campaign is limited to one constituency.

The public: The definition of who constitutes the public should be straight forward. However, the law and the Electoral Commission distinguish between the general public and a charity's 'committed supporters'. If you stay in touch with a group of supporters via a mailing list or social media don't take it for granted that you are not caught by the public test – read the EC guidance.

Reasonably be regarded as intended to promote or procure the electoral success of a party or candidate at an election: We've paraphrased from the Act here (Section 26, to be precise). In essence this means: could your campaign reasonably be seen as promoting one or more candidates or parties at an election? In other words, do you share any policy goals with any parties or individual candidates? Could an external observer reasonably regard your campaign as lending support to a candidate or party because of this? If so you have to register. This area is loaded with uncertainty and potentially loads bureaucratic burden on to charities who successfully lobby and campaign for change. If still in doubt, speak to the Electoral Commission.

Useful links:

<http://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/non-party-campaigners>
www.charitycommission.gov.uk
www.dsc.org.uk
www.civilsocietycommission.info

The Lobbying Act

A handy guide for campaigners

The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, otherwise known as the Lobbying Act, places new restrictions on how charities and other groups conduct public campaigns.

The Act came about supposedly to stop big money seeping into politics by tackling lobbying – the 'next big scandal to hit Parliament' as Prime Minister David Cameron put it. The Act did nothing of the sort, but Government took the opportunity to stuff the legislative envelope full of other provisions which restrict charity campaigning while ignoring big money lobbying.

Despite widespread criticism from across the spectrum of civil society the Bill passed into law in early 2014 and will take effect from 19 September 2014. Our flowchart overleaf is designed to help your charity, your management and trustees decide and discover what your obligations are under these new regulations. You will find explanations of technical phrases overleaf.

This does not constitute or replace legal advice. But hopefully it does help clarify your thinking and point you in the direction of the resources you need to be accessing. There are still unknown quantities in the Act – some of which may have to be challenged in the courts before we get more clarity.

Any charity engaged in campaigning already ought to be aware of the contents of CC9 – the guidance document from the Charity Commission which covers campaigns and political (small-p) activity. Yet this is now not enough. The Electoral Commission are producing their guidance for non-party campaigners in July 2014 which should be mandated reading for trustee boards.

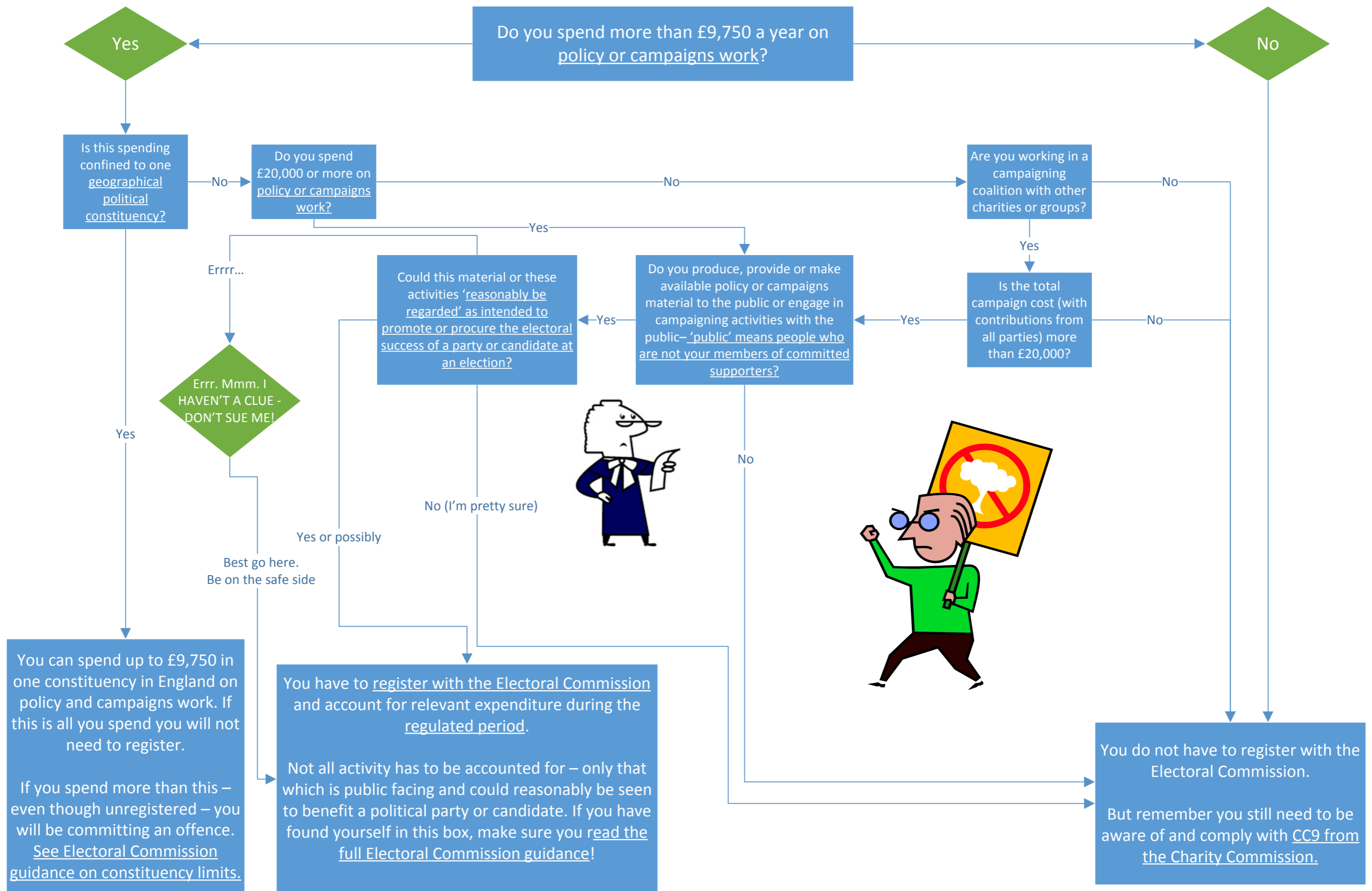
What's next?

The Act kicks in from 19 September, after the referendum on Scottish independence. If you are a campaigning charity you need to know about the provisions by then and understand how they apply to your organisation and whether and how you have to account for your organisation's activity with the Electoral Commission.

Beyond that the Act was passed with an in-built review mechanism which ensures the Government will look again at the legislation in 2015 to ensure it is working. Labour have promised to repeal the Act should they win the next election. In the meantime we hope this guide is of use. If you're still unsure you can shoot us a question on Twitter: @DSC_Charity.'

Disclaimer

We would add that this does not constitute legal advice. While we are always happy to discuss any questions you may have we are not legally qualified. It is always best to approach the Electoral Commission in the first instance for assistance and advice via telephone and email.



You can spend up to £9,750 in one constituency in England on policy and campaigns work. If this is all you spend you will not need to register.

If you spend more than this – even though unregistered – you will be committing an offence. See [Electoral Commission guidance on constituency limits.](#)

You have to register with the Electoral Commission and account for relevant expenditure during the regulated period.

Not all activity has to be accounted for – only that which is public facing and could reasonably be seen to benefit a political party or candidate. If you have found yourself in this box, make sure you read the [full Electoral Commission guidance!](#)

You do not have to register with the Electoral Commission.

But remember you still need to be aware of and comply with [CC9](#) from the Charity Commission.

Errr. Mmm. I HAVEN'T A CLUE - DON'T SUE ME!

Could this material or these activities 'reasonably be regarded' as intended to promote or procure the electoral success of a party or candidate at an election?

Do you produce, provide or make available policy or campaigns material to the public or engage in campaigning activities with the public – 'public' means people who are not your members of committed supporters?

Are you working in a campaigning coalition with other charities or groups?

Is the total campaign cost (with contributions from all parties) more than £20,000?

Do you spend £20,000 or more on policy or campaigns work?

Is this spending confined to one geographical political constituency?

Do you spend more than £9,750 a year on policy or campaigns work?