

Definitions & further information

Policy or campaigns work

Policy or campaigns expenses for the purposes of the law are called 'controlled expenditure' – this includes things like printing flyers, market research, media events and even certain staff costs. Guidance on the Electoral Commission website describes which costs should be accounted for. In the case of staff costs, for example, it is only the proportion of a person's cost (or salary) that is spent on relevant activity that must be accounted for, not the whole cost of employing them.

Geographical political constituency

For General Elections, 'constituency' refers to Westminster political constituencies. If you aren't sure which constituency your campaign falls within, use Parliament's 'Find your MP' service on www.parliament.uk (after Parliament is dissolved there are no MPs, just candidates). Lower spending thresholds kick in if your campaign is limited to one constituency (shown in the flowchart overleaf).

The public

The definition of who constitutes the public should be straightforward. 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 Electoral Commission guidance.

'Non-party' or 'third party' campaigners

This language appears throughout the relevant legislation and Electoral Commission guidance. Essentially it 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, in such a way that your campaign might appear affiliated?

Reasonably be regarded as intended to promote or procure the electoral success of a party or candidate at an election

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Useful links:

Charity Commission – [Campaigning and political activity guidance for charities \(CC9\)](#)

Charity Commission – [Charities, elections and referendums](#)

Electoral Commission – [Guidance for non-party campaigners](#)

Lord Hodgson – [Third Party Campaigning Review \(proposed Lobbying Act revisions\)](#)

The Lobbying Act

A handy guide for campaigners

Part two of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, otherwise known as the 'Lobbying Act', restricts how 'non-party campaigners' spend money on public campaigns during election times. The Lobbying Act actually amended a major body of electoral legislation called the PPERA, in a way which increased its scope. The PPERA is mainly about regulating the spending of political parties.

The Lobbying Act took effect from 19 September 2014. Our flowchart overleaf is designed to help charity managers, staff, volunteers and trustees to understand whether they might be affected and what their obligations might be. Explanations of technical phrases are overleaf.

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. DSC recommends that charities consult CC9 and related materials from the Charity Commission as a first port of call when campaigning, especially at election time.

The four tests of the Lobbying Act

These are tests which most charities will want to fail, because it means they don't need to register with the Electoral Commission! All four conditions need to be met for your campaigning activity to meet the thresholds requiring registration with the Electoral Commission.

1. **The Period Test** – the activity must take place within the 'regulated period' of the election – in the case of a General Election, this is 365 days before (for the 2017 snap General Election, the Electoral Commission claim this period started on 9 June 2016).
2. **The Purpose Test** – the activity could be 'reasonably be regarded as intended to influence voters to vote for or against political parties or candidates' (the activity has to be construed as attempting to influence people to vote in a particular way. If you're following charity law, your activity is unlikely to meet the Purpose Test).
3. **The Public Test** – the activity was for the public (in public or for public consumption, rather than solely for an organisation's members).
4. **The Spending Test** – the total value of activity by the organisation amounts to more than £20,000 in England or £10,000 in Scotland, Wales or Northern Ireland.

There are two problematic exceptions to the Spending Test, related to joint campaigning and campaigns taking place in only one Parliamentary constituency. Read more at www.electoralcommission.gov.uk.

Note this does not constitute or replace legal advice. But hopefully it does help clarify your thinking and point you in the direction of further resources to help inform your decisions. Keep calm and carry on campaigning!

The Lobbying Act explained

