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Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill: Report Stage

Dear Colleague,

I am writing to you ahead of the Report Stage of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill to update you on the Government amendments to Part 2 of the Bill.

During the Committee stage of the Bill, we undertook to see if we could make clearer in the Bill that unless a third party engages in what can reasonably be regarded as intended to promote or procure the electoral success of a party or candidate, its activity in relation to policies or views would not be regulated.

I can confirm now that I intend to table Government amendments to this effect for the Report Stage of the Bill (8th and 9th of October).

The Government has continued to work closely with the Electoral Commission and National Council of Voluntary Organisations on how we can make the legislation clearer for campaigners, whilst also continuing to align the list of activities which are regarded as controlled expenditure which applies to third parties with the list which applies to political parties, as recommended by the Electoral Commission. I intend, following this, to table further amendments to clause 26 and Schedule 3 at Report Stage to provide further reassurance and clarity.

These amendments will –

- Replace the separate listings for advertising, unsolicited material and manifesto/policy documents with a broader category of election “material”; this is the language used in PPERA that non-party campaigners and the Electoral Commission are already familiar with, and on which the Electoral Commission have existing guidance;
- Make clear that it is public rallies and events that are being regulated; meetings or events just for an organisation’s members or supporters will not be captured by the Bill. We will also provide an exemption for annual events – such as an organisation’s annual conference;

- Ensure that non-party campaigners who respond to ad hoc media questions on specific policy issues are not captured by the Bill, whilst still capturing press conferences and other organised media events;
- Ensure that all “market research or canvassing” which promotes electoral success is regulated
- Remove the additional test of “otherwise enhancing the standing of a party or candidates” from clause 26. This is to provide further reassurance to campaigners as to the test they have to meet in order to incur controlled expenditure. Consequently, a third party will only be subject to regulation where its campaign can reasonably be regarded as intended to “promote or procure the electoral success” of a party or a candidate.

I am confident that these changes will ensure that the concerns raised about the effect of the Bill on the campaigning activities of charities have now been met, whilst the Bill will continue to meet the necessary objective of giving transparency and proper regulation wherever third parties seek to have an influence directly on the outcome of elections.

I am working with Chloe Smith, Minister for Political and Constitutional Reform and Tom Brake, the Deputy Leader of the House of Commons on these aspects of the Bill and we are happy to have further discussions with colleagues.

Rt Hon Andrew Lansley CBE MP
Leader of the House of Commons