



HOUSE OF COMMONS

LONDON SW1A 0AA

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Mr T McFarlane
Executive Council Member
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10th October 2013

A handwritten signature in black ink, appearing to read 'Oliver Colvile'.

Thank you for your letter about the Transparency, Non-Party Campaigning and Trade Union Administration Bill.

I do not agree that this Bill is looking to shackle trade unions. This is about trade unions knowing who their members are and the union members and general public having confidence in these records. We are simply building on the existing principle that trade unions are required to keep membership records accurate and up to date.

It is very important to note that these new proposals are only for third party organisations which campaign for the electoral success of a particular political party or candidate. An organisation campaigning only on policy issues would be exempted from these changes.

This Bill is about bringing transparency to the way third parties interact with the political system. Campaign groups play an important role in our political process, helping inform policy making and allowing different views to be heard from across society. The Government is clear that it wants this to continue.

The Government wants to take the big money out of politics. Limiting campaign spending during an election will help the UK avoid the situation



we see in other countries, where unregulated spending by vested interests means that it might not always be the best candidate who wins an election, but the one with the richest supporters.

The amount an organisation can spend campaigning for electoral success during an election period will be limited to £390,000 across the UK. The Government believes this is still a very substantial sum and is a proportionate figure. Expenditure on these campaigns will be fully recorded and disclosed.

At present, charities can undertake non-party political activity where the trustees can show that it supports their purposes and would be an effective use of their resources. The law prohibits charities from engaging in party politics, party political campaigning, supporting political candidates or undertaking political activity unrelated to the charity's purpose.

The Bill does not change this. Charities will still be able to support specific policies advocated by political parties if it would help achieve their charitable purposes. However, Ministers listened to the concerns raised by the sector and they undertook to see if it could be made even 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. The Leader of the House, Andrew Lansley, intends to table Government amendments to this effect at the Report Stage of the Bill on 8 and 9 October.

The Government has continued to work closely with the Electoral Commission and the National Council of Voluntary Organisations on how the legislation can be made clearer for campaigners. How it intends to do this is set out in detail here:

<https://www.gov.uk/government/news/statement-on-amendments-to-the-transparency-bill>

You mentioned 38 degrees. The former Minister for Political and Constitutional Reform, Chloe Smith, wrote to 38 Degrees in August,



outlining the Government's position and I have enclosed a copy for your information.

I hope you have been reassured that this Bill will not prevent or prohibit campaigning but will make the system more transparent.

Thank you again for taking the time to contact me.

A handwritten signature in dark ink, consisting of several loops and a final flourish.

Oliver Colvile

Member of Parliament for Plymouth Sutton & Devonport



Cabinet Office

Chloë Smith MP
Minister for Political and Constitutional Reform

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Our Ref: NMP610167

38 Degrees
via email

23 August 2013

Dear Ian, Susannah, Blanche and the 38 Degrees Team,

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

I would like to address directly the concerns you have expressed over the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill, and provide some reassurance that the Government does not intend or expect the legislation to threaten the future of 38 Degrees. To suggest otherwise is nothing more than scaremongering and does nothing to help sensible political debate.

This Bill is about extending transparency even further to give the public more confidence in the way third parties interact with the political system. Campaign groups such as 38 Degrees can play an important role in the political process, helping to inform policy making and ensuring views are heard by those in Government. We want that to continue and the Bill the Government has introduced will allow it to continue.

The intention of the Bill is to bring greater transparency where third parties campaign at an election in a way which supports a particular political party or its candidates, by requiring expenditure on those campaigns to be fully recorded and disclosed. The Government is aiming to limit the spending of third parties in order to avoid the situation we see in other countries, where vast amounts of money are spent without any limit or regulation, and elections become about who has the most money, rather than who is the best candidate.

Only campaigning by third parties which promotes or procures electoral success or otherwise enhances the standing of parties or candidates would be regulated. This is substantially the same as the present definition. So a third party campaigning only on policy issues would continue to be exempt.

The Bill does change the activities that are deemed to be controlled expenditure. Controlled expenditure by a recognised third party would now include expenditure on a broader range of activities such as market research, rallies, press conferences or transport. This is to ensure all relevant campaigning activity is caught. Advertising, websites, unsolicited mail addressed to electors, which are already covered under existing legislation, would continue to be regarded as controlled expenditure.

At present charities can undertake non-party political activity where the trustees can show that it supports the charity's purposes and would be an effective use of the charity's resources. The law prohibits charities from engaging in party politics, party political campaigning, supporting political candidates or undertaking political activity unrelated to the charity's purpose.

The Bill does not change this. Charities will still be able to give support to specific policies advocated by political parties if it would help achieve their charitable purposes. The Bill does not regulate attempts to engage with the policy of any political party, having a view on any aspect of the policy of a party, or any attempt to influence the policy of a party. Such activity would only be captured if it was promoting the electoral success of, or enhancing the standing of, political parties or candidates.

We want to prevent our political system becoming one where opaque and unaccountable groups spend millions attempting to influence the outcome of an election. The Bill is an important step towards achieving this, without undermining the ability of third parties to actively get involved in policy making.

I hope this reassures 38 Degrees and your supporters that third party campaigning only on policy issues would continue to be exempt. I hope to be able to meet you alongside my fellow ministers on the Bill in the near future to discuss your concerns.

A handwritten signature in dark ink, reading "Chloë Smith". The script is cursive and fluid, with the first name "Chloë" written in a slightly larger, more prominent hand than the surname "Smith".

CHLOË SMITH MP