

New guidance for charities about campaigning before an election



The Lobbying Act^[1] (the Act) requires non-party campaigners (for example, charities) to register with the Electoral Commission if their spending on regulated campaigning activities in the UK in the period before an election exceeds prescribed thresholds (£20,000 in England, £10,000 in Scotland, Wales or Northern Ireland)

Once registered with the Electoral Commission, the organisation will have a higher spending limit (dependent on the election) but will have to comply with rules concerning spending, donations and reporting.

There are detailed tests to determine whether a campaigning activity is a 'regulated activity' but in essence the type of activity that is regulated is anything intended to influence voters to vote for or against a political party. Also, the activity must take place during a regulated period which in the case of a general election is 365 days before polling day.

When these rules were first introduced in 2014, they caused outcry from some in the charity sector who claimed they had a "chilling effect" on freedom of speech and in 2016 Lord Hodgson recommended reforms to the Act.

Those reforms have not taken place. However new guidance published by the Electoral Commission on the Act in September has been welcomed by the charity sector as providing much needed clarity for charities.

In particular, the guidance had clarified the following matters:

Unless a charity spends more than the prescribed threshold they don't need to register..

.....so even if a charity is carrying out campaigning that would fall within the definition of a 'regulated activity' they



only need to register if that spending exceeds the threshold.

Charities that abide by charity law are unlikely to run campaigns that fall within the definition of a regulated activity....

....because charities are limited in their political activity under charity law.

Where a party adopts a policy that a charity has already been campaigning on, this is unlikely to become a regulated activity

....as long as it was not a regulated activity before the party adopted the policy.

Finally, the guidance also provides some reassurance over the problem of snap elections where the regulated period of 365 days before an election will often begin before a charity knew an election was imminent. The guidance confirms that most campaign activity undertaken before an election is announced is unlikely to be a regulated activity not least because you can't usually be regarded as intending to influence people to vote in an election you do not know about.

We don't yet know when the next election will take place but with the pace of political events currently, charities would be advised to read the new guidance to see whether their campaigning activities are likely to be caught by the legislation.

For further advice on campaigning activities please contact our [charities team](#).

For further information see also [Charity Commission Guidance CC9 – Campaigning and political activity for charities](#) and [NCVO Trustee guide to campaigning and influencing](#)

[1] Otherwise known as the Political Parties, Elections and Referendums Act 2000



[Annabel Goh](#)

Emerging Talent Manager