

The Lobbying Bill: Overview, practical impact of the Bill and how it relates to the Compact

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The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill (often referred to as the Lobbying Bill) has, at the time of writing, passed reporting stage and is with the House of Lords.

How did it come about?

A pledge to set up a register of lobbyists was made by the Coalition Government in 2010. It was originally assumed that this would be a comprehensive register of lobbyists and lobbying companies.

What did the Bill originally propose?

The Bill was published on the 17th July 2013. It intended to:

- introduce a register of consultant lobbyists and establish a body to enforce registration
- regulate the spending of organisations that weren't standing for election or registered political parties for a year prior to an election
- strengthen the legal requirements obliging trade unions to keep their list of members

What are the perceived problems with the Bill?

For the voluntary and community sector (VCS) the biggest concern is with Part II of the Bill, which seeks to change existing rules regarding 'non-party campaigners'¹. These rules were originally established in the Political Parties, Elections and Referendum Act 2000 (PPERA).

The new Bill proposes to introduce a new definition of 'activities for election purposes'. The wording of this definition in the Bill is broad and ambiguous. As a result, it could be interpreted to apply to activities VCS organisations carry out on a day-to-day basis as part of their campaigning and advocacy work.

The Bill also proposes to widen the range of activities that would be included in the term 'election material'. This would now include advertising, press conferences and public events, market research, canvassing, and transport.

A concern held by the VCS is that the two amendments around 'activities for election purposes' and 'election material' could deter charities from campaigning - because they

¹ The phrase 'non-party campaigner' can technically cover any voluntary sector organisation, from a large national charity to a small local infrastructure organisation, such as a Council for Voluntary Service.

may be unsure of whether the activities they are undertaking will fall into the scope of the new regulations, and therefore be breaking the law.

Another area of concern for the VCS are the proposals that aim to restrict the amount a group or organisation could spend on a campaign before they had to register with the Electoral Commission. Presently, if a group in England spent over £10,000 on activities that could 'reasonably regarded as intended' to promote the success of a party or candidate, they had to register with the Electoral Commission. The proposed changes would mean that if a group spent over £5000 on activities that were 'for the purpose of or in connection with' promoting the success of a party or candidate they would now have to register with the Electoral Commission. This is a considerable reduction and the proposed amendments would mean that the number of VCS organisations affected by the proposed changes will increase substantially.

The Bill includes new administrative and reporting requirements for groups that may wish to campaign. Again, a concern is that this would stop many smaller VCS groups continuing with their normal campaigning activities, because they simply do not have capacity to deal with the increased administration associated with these activities.

The Bill also proposes to apply the new restrictions to the year preceding an election, but again the wording of the Bill is unclear and complex, making it difficult for an organisation to know when their normal activity may be affected.

What changes were made at the reporting stage?

The proposal to change the definition of 'campaigning activity' during an election period from the original definition contained in PPERA has been kept. Though the wording is now less restrictive to VCS organisations, it is still not particularly clear – and the concern is that many VCS organisations may restrict their usual campaigning and advocacy work just to be on the safe side.

However the new restrictions on spending and the widening of what activities are considered to be 'for election purposes' have not been amended. There is concern from the VCS that there is still a lot of ambiguity and uncertainty surrounding this definition, which could have the effect of limiting legitimate campaigning and lobbying from the sector.

The Lobbying Bill and the Compact

Principle 1.1 of the Compact states that government must undertake to 'respect and uphold the independence of civil society organisations to deliver their mission, including the right to campaign, regardless of any relationship, financial or otherwise, that may exist.'

Compact Voice is concerned that the Bill's proposals contradict this principle, and will place limits on the sector's independence and right to campaign.

Compact Voice has also raised concerns about the lack of consultation with VCS organisations that may be affected by the changes. The consultation into the Bill lasted for four weeks. The national Compact, which every government department is signed up to, states that ‘where it is appropriate, and enables meaningful engagement, conduct 12-week formal written consultations, with clear explanations and rationale for shorter time-frames or a more informal approach.’

Practical impacts of the Bill

Charity law means that while a charity cannot have a political purpose or support a particular party or candidate, it is perfectly within their right to campaign for changes to law or policy if that change that would further their charitable objectives.

The below examples highlight campaigns and lobbying activity undertaken by charities that have led to significant changes in legislation.

As it stands, the concern is that the Lobbying Bill will threaten campaigning and lobbying activity such as those mentioned below.

RoSPA: Campaigning to save lives with seatbelts

It took many years of campaigning by the Royal Society for the Prevention of Accidents (RoSPA) to get the first law regarding the wearing of seatbelts on the statute books.

RoSPA began promoting the use of seatbelts back in 1960 after it became clear that they had a huge impact on saving lives in road accidents.

In 1981, Lord Nugent, the president of RoSPA, was able to insert an amendment to the Transport Bill. The amendment introduced seatbelt wearing for a trial period of three years. The Bill became law on January 31st 1983, following 21 years of campaigning by RoSPA. 500 lives were saved in the first year of the law being passed.

RoSPA’s campaigning did not stop - they swiftly moved on to lobbying for the compulsory fitting of rear seatbelts, which they achieved only two years later. In 1986 when the seatbelt law came up for review, RoSPA lobbied successfully for its retention and both Houses of Parliament voted overwhelmingly in favour of making the requirement permanent. Finally, in 1991, RoSPA’s seatbelt campaign was fulfilled when wearing a seatbelt in the back seat of the car became compulsory.

NSPCC: Lobbying for a Bill to prevent child cruelty

The National Society for the Prevention of Cruelty to Children (NSPCC) officially came into being in 1884, and the first Prevention of Cruelty to Children Act was passed in 1889.

The Act, also known as the Children’s Charter, was largely the result of five years of vigorous lobbying by the NSPCC and its supporters. This ground-breaking Act was the first

of its kind passed by Parliament that was aimed at protecting children from cruelty; and for the first time, British law could intervene in relations between parents and children.

The Act was not just a crucial moment for the NSPCC but also for British society as we recognise it today. Further campaigning and lobbying by the NSPCC led to the 1932 Children and Young Person's Act, and then to the Act of 1933, which brought all existing child protection legislation into one Act.

More recently, again through campaigning and lobbying, the NSPCC has contributed to and influenced both the Children Act in 1989, and the 1996 Family Law Act. It has also campaigned for on-going legal reform - in 1996 children were awarded the right to give evidence by video, including during cross-examination.

In the past 10 years alone, and with the help of their supporters, NSPCC lobbying has helped:

- create the Child Exploitation and Online Protection Centre (CEOP) to keep children safe online
- increase the penalties for sexually abusing children
- establish local safeguarding children boards (LSCBs) to help local agencies, like the police and children's services, work together better
- create the new offence of "causing or allowing the death of a child or vulnerable adult", first used to successfully convict someone in 2006
- government to pledge £13 million more to help support victims of sexual and domestic violence
- government to pledge £30 million over five years to the NSPCC to expand our helplines, the NSPCC Helpline and ChildLine, so that we are able to answer more calls for help