

53. Lobbying, Non-Party Campaigning and Trade Union Administration Act

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The Lobbying, Non-Party Campaigning and Trade Union Administration Act (the Act) was given Royal Assent in January 2014 and the Act will come into force on 19 September 2014. One aim of the Act is to regulate more closely those who are involved in political campaigning but not standing as candidates or registered as a political party. Concern has been raised by many charities that this regulation may significantly impact the way that charities carry out campaigning work in the period before elections. Concern has therefore been raised about the impact on the work of the Methodist Church, particularly through the Joint Public Issues Team.

The Act covers any entity undertaking non-party campaigning. It is only if this campaigning falls within “regulated activity” that the activities are covered by the Act. Regulated activity is defined as any campaign which can be reasonably regarded as being intended to promote or procure success of a party or candidate (even if they are not mentioned by name or if this is not the primary purpose of the activity). The campaign must also be aimed at the general public and not just “active supporters”. If an entity is undertaking regulated activity they will have to register with the Electoral Commission if the spending threshold is reached.

Spent over £20,000 in England Spent over £10,000 in Scotland Spent over £10,000 in Wales	Need to register with the Electoral Commission, and submit returns covering donations and expenditure.
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In addition, if an entity were to spend over £319,800 in England; £55,400 in Scotland or £44,000 in Wales then they would breach the cap and face enforcement action/prosecution.

When calculating the amount spent on a regulated activity, the entity must include staff costs, associated transport costs, premises and office equipment. If two or more entities undertake a joint project it is the full cost of the regulated activity that counts towards the cap eg if the Methodists and Quakers undertake a piece of regulated activity which costs each of them £1,500, each would have to account for £3,000 towards the threshold.

The Act may also have further implications for the pre-election hustings which many churches hold. Hustings organisers are required to invite all candidates, unless there are objective reasons for excluding them.

Local Churches, Circuits and Districts as separate charities must also be aware of the potential impact on them if they were to undertake a regulated activity as there is a spending cap on constituency expenditure of £9,750.

The Charity Commission is clear that charities must never support a political party and therefore trustees of charities must be very careful not to do anything that can be construed as support. Yet the Commission has also made clear that it is possible for a charity to undertake regulated activity and remain within charity law.

The full impact of the Act is still not clear particularly as to how it will impact charities who undertake joint projects. Much of the confusion arises around the question of what falls within the definition of spending for the purposes of the Act when calculating whether or not an entity has reached the threshold for registration. The Electoral Commission is producing guidance which should assist in clarifying matters. This will not be available until June/July 2014.

The Conference would be the body responsible for registering with the Electoral Commission and it is therefore proposed that the Conference delegates to the Council responsibility for considering the guidance of the Electoral Commission and taking any steps necessary to register with the Commission should the need arise. It is also likely that further work will need to be undertaken to consider the impact of the Act on the Methodist Church particularly the work of the Joint Public Issues Team in conjunction with ecumenical colleagues.

*****RESOLUTIONS**

53/1. The Conference received the Report.

53/2. The Conference delegated to the Methodist Council responsibility for considering the guidance of the Electoral Commission and taking any steps necessary to register with the Commission.