

TRANSPARENCY OF LOBBYING, NON-PARTY CAMPAIGNING AND TRADE UNION ADMINISTRATION ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 - Supplementary

Section 45: Commencement

159. This section provides for commencement. Details are in paragraph 169 below.

Section 46: Transitional provision

160. The Act amends the third party controlled expenditure limits (section 28), impacts on expenditure which counts towards the spending limit of a registered political party (section 30), introduces constituency spending limits (section 29), widens the scope of campaign expenditure (section 26 and Schedule 3) and requires third parties to publish a statement of their accounts (section 35). This section ensures that these changes will apply for future regulated periods (which operate in relation to UK Parliamentary General elections and elections to the European Parliament and the devolved legislatures) and will also apply for the regulated period for the next UK Parliamentary General election.
161. Ordinarily, the regulated period for a UK Parliamentary General election starts 365 days before the election. However, where that period overlaps with a regulated period for an election to the European Parliament or a devolved legislature, a longer combined period is substituted. In the absence of this provision, this would have happened for the next UK Parliamentary General election, the date for which has been fixed as 7 May 2015 by section 1(2) of the Fixed-term Parliaments Act 2011, as an election for the European Parliament is due to be held on 22 May 2014. Section 46 however makes provision to deal with this situation by creating bespoke regulated periods that will apply only in relation to the next UK Parliamentary General election.
162. The regulated period for third parties (“the Schedule 10 transitional period”) will begin on 19 September 2014 and will run until the date of the parliamentary general election. The regulated period for political parties (“the Schedule 9 transitional period”) will begin on 23 May 2014, and will run until the date of the UK Parliamentary General election.
163. *Subsection (7)* provides that the transitional period does not apply in relation to the next parliamentary general election if that election takes place before May 2015.
164. *Section 46* also allows the Minister to disapply, by order, the provisions for a transitional period should a poll for an extraordinary general election to the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly take place during

These notes refer to the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 (c.4) which received Royal Assent on 30 January 2014

the course of the regulated UK Parliamentary General election period. In that instance, the Minister may make, by order, alternative transitional provisions.

Section 47: Power to make consequential provision

165. **Section 47** introduces a power to make consequential provision by order. An order may amend PPERA. It would be subject to the affirmative resolution procedure if it were to amend primary legislation. An order may not be made after the date of the poll of the next scheduled UK Parliamentary General election.

Section 48: Extent

166. This section sets out the territorial extent of the various provisions in the Act. Part 1 of the Act extends to the whole of the United Kingdom. Parts 2 and 3 of the Act operate by amending existing legislation. In order to ensure that they work coherently with that legislation, the section provides that they have the same extent as the enactment that they are amending or repealing. In most cases this means they will extend to the United Kingdom, but in some instances in Part 2 they will extend to Gibraltar as well. Part 4, which includes supplementary provision about the Act, extends to the United Kingdom and Gibraltar.

Section 49: Short title

167. This section sets out the short title of the Act.