



# Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014

## 2014 CHAPTER 4

### PART 2

#### NON-PARTY CAMPAIGNING ETC

##### *Controlled expenditure*

#### **27 Arrangements between third parties notified to the Electoral Commission**

- (1) Part 6 of the Political Parties, Elections and Referendums Act 2000 (controls relating to third party national election campaigns) is amended as follows.
- (2) In section 94 (limits on controlled expenditure by third parties)—
  - (a) after subsection (3) insert—

“(3A) For provision requiring certain controlled expenditure to be disregarded in determining for the purposes of subsection (3)(a) whether a limit is exceeded, see section 94B(3) (arrangements between third parties notified to the Commission).”;
  - (b) in subsection (4), for “such a case” substitute “the case mentioned in subsection (3)”;
  - (c) in subsection (5A)—
    - (i) after “Subsections (3) to (5)” insert “and section 94B(3) to (7)”;
    - (ii) for “those subsections” substitute “those provisions”;
  - (d) in subsections (8) and (10), after “the purposes of this section” insert “, sections 94A and 94B”;
  - (e) in subsection (11)(a), after “this section” insert “and sections 94A and 94B”.

(3) After section 94 insert—

**“94A Arrangements between third parties notified to the Commission**

- (1) A recognised third party may, at any time before the end of a regulated period, send a notice to the Commission—
  - (a) stating that it is party to an arrangement of the kind mentioned in section 94(6),
  - (b) undertaking to be a lead campaigner in relation to the arrangement, and
  - (c) identifying one or more other third parties that are parties to the arrangement and have undertaken to be minor campaigners in relation to it.
- (2) A recognised third party that has sent a notice under subsection (1) may, at any time before the end of the regulated period, send one or more supplementary notices to the Commission identifying additional third parties that are parties to the arrangement and have undertaken to be minor campaigners in relation to it.
- (3) As from the date of receipt by the Commission of—
  - (a) a notice under subsection (1), the recognised third party that sent the notice becomes “a lead campaigner” in relation to the arrangement;
  - (b) a notice under subsection (1) or (2), a third party identified in the notice becomes “a minor campaigner” in relation to the arrangement.
- (4) A notice under subsection (1) or (2) may not—
  - (a) identify as a minor campaigner a third party that is a lead campaigner in relation to the same arrangement, or
  - (b) be sent by a recognised Gibraltar third party.
- (5) The Commission must, as soon as reasonably practicable after receiving—
  - (a) a notice under subsection (1), enter in the register maintained under section 89 (register of notifications) the fact that the recognised third party that sent the notice is a lead campaigner in relation to the arrangement;
  - (b) a notice under subsection (1) or (2), enter in that register the name of each third party identified in the notice and the fact that it is a minor campaigner in relation to the arrangement.
- (6) For provision about the effect of sending a notice under this section, see section 94B.

**94B Effect where arrangements are notified under section 94A**

- (1) Subsection (2) applies where controlled expenditure is incurred during a regulated period in a part of the United Kingdom—
  - (a) by or on behalf of a minor campaigner in relation to an arrangement, and
  - (b) in pursuance of the arrangement.

- (2) The expenditure is treated for the purposes of sections 96 to 99A (returns as to controlled expenditure) as having also been incurred, during the period and in the part of the United Kingdom concerned, by or on behalf of any lead campaigner in relation to the arrangement who sent a notice under section 94A(1) or (2) identifying the minor campaigner.
  - (3) In determining for the purposes of section 94(3)(a) whether a limit is exceeded by a third party during a regulated period, controlled expenditure incurred by or on behalf of the third party is to be disregarded if—
    - (a) conditions A and B are met in relation to the expenditure, and
    - (b) condition C is met.
  - (4) Condition A is that the expenditure—
    - (a) is incurred in pursuance of an arrangement that has been notified to the Commission under section 94A(1), and
    - (b) is, by virtue of section 94(6), treated for the purposes of section 94 and Schedule 10 as incurred by or on behalf of the third party.
  - (5) Condition B is that the third party is, at the time the expenditure is incurred, a minor campaigner in relation to the arrangement.
  - (6) Condition C is that—
    - (a) the total of the controlled expenditure incurred during the regulated period in any part of the United Kingdom by or on behalf of the third party, disregarding any expenditure in relation to which conditions A and B are met, does not exceed the limit for that part mentioned in section 94(5), and
    - (b) in the case of a regulated period in relation to which any limit is imposed by paragraph 3, 9 10 or 11 of Schedule 10 (periods involving parliamentary general elections), the total of the controlled expenditure incurred during the regulated period in any particular constituency by or on behalf of the third party, disregarding any expenditure in relation to which conditions A and B are met, does not exceed the limit mentioned in section 94(5ZA).
  - (7) References in subsection (6) to controlled expenditure incurred by or on behalf of the third party include controlled expenditure that is, by virtue of section 94(6), treated for the purposes of section 94 and Schedule 10 as so incurred.”
- (4) In section 99 (declaration by responsible person as to return under section 96), after subsection (2) insert—
- “(2A) Subsection (2)(b)(ii) does not apply to expenses that are treated as incurred by or on behalf of the recognised third party by virtue of section 94B(2) (arrangements between third parties notified to the Commission).”