

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Non-Party Campaigning Etc.

Schedule 3: Controlled expenditure: qualifying expenses

66. *Schedule 3* inserts a new Schedule 8A into PPERA. *Paragraph 1* of new Schedule 8A lists matters on which expenses may be incurred for the purposes of controlled expenditure. The list of activities is set out so as to be more closely aligned with the list of matters for political parties as set out in Schedule 8 to PPERA. Any expenditure on a matter set out in this list during the regulated period for an election (which meets the test in section 85(2)(b) of PPERA, as inserted by section 26(2) of this Act) will need to be accounted for as controlled expenditure. Qualifying expenses include expenses incurred in respect of material (paragraph 1(1)). This replaces “election material” which is controlled expenditure under section 85(3) of PPERA, and is described in largely the same terms. *Paragraphs 1(2) to (5)* add new matters expenditure in respect of which may be controlled expenditure and hence regulated.
67. Thus, for example the full fees and costs in the regulated period before a UK Parliamentary General election associated with any materials made available to the public, or with the organisation of any press conference or organised media events or public rallies or events, will count as controlled expenditure. The matters listed do not cover material or activities unless they involve the public in a specified way. Material or activities which do not (for example material available only to members of the third party or meetings to which the public are not admitted) will accordingly not be regulated.
68. *Paragraph 2* of new Schedule 8A inserts a list of exclusions from controlled expenditure into Schedule 8A. Some of these exclusions were previously in section 87 of PPERA. The additional exclusions are:
- Expenses in respect of, or in consequence of, translating materials from English to Welsh or from Welsh to English.
 - Expenses reasonably attributable to an individual’s disability. Disability has the same meaning as in the Equality Act 2010.
69. *Paragraph 3* of new Schedule 8A enables the Electoral Commission to prepare a code of practice giving guidance on the types of expenditure which may be captured by Part 1 of new Schedule 8A. Before a code of practice comes into effect it must be approved by the Secretary of State and laid before Parliament. Although the code of practice is

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

not made by statutory instrument, an equivalent of the negative resolution procedure applies so that either House of Parliament may resolve not to approve the draft code.

70. *Paragraph 4 of new Schedule 8A empowers the Secretary of State to amend Part 1 of the Schedule by order. An order made under this provision may only be made so as to give effect to a recommendation of the Electoral Commission or after consulting them.*