

# The Lobbying Act: A guide for Amnesty groups

In January 2014, a new piece of legislation received Royal Assent. Officially it's known as the Transparency of Lobbying, non-Party Campaigning and Trade Union Administration Act 2014 – but more usually referred to as the Lobbying Act.

This guide aims to help make it as easy as possible for you to comply with the Lobbying Act.

## The key things you need to know:

### 1. Most importantly, it shouldn't stop you campaigning

This law does not prevent us from campaigning on any issues, including those related to an election. You don't need to change your planned campaigning over this period. Please keep calm and carry on.

### 2. It's all about transparency and expenditure limits

This law will not silence us. It sets a limit on our expenditure on any public campaigning that could be seen as seeking to influence election outcomes, (referred to under this guidance as 'regulated campaign activity'). It therefore requires us to record and report on that expenditure.

This means that you will need to send us your expenditure on any regulated campaign activity so we can keep track of our total spending. Find out more about recording your expenditure.

The new law allows greater spending limits for those organisations who register as 'non-party campaigners'. Our Board has therefore decided to register so that we're able to spend the maximum amount if we want to.

We very rarely spend this kind of sum on specific issues and so the spending limits are unlikely to affect our actual work. But of course, it does place an extra administrative burden on us. We'll be monitoring the impact of this law in terms of the impact of the spending limits and the extra administration this law will cause us.

### 3. Only a small part of our campaigning will be covered

We have a team of staff assessing all of our campaigns to check if they are covered by the law. The vast majority of our campaigning work will not be covered and so there will be no spending restrictions and no extra reporting requirements. That's likely to be the case for our work on Prisoners of Conscience, Individuals at Risk, the Brave and I Welcome campaigns, anti-death penalty work, crisis work, LGBTI rights and Write for Rights.

If a specific area of our work is regulated, we'll let you know. In addition, regardless of the campaign topic, no private campaigning is regulated – so that means private meetings you hold with each other, with MPs or Prospective Parliamentary Candidates

(PPC's), and any press releases you give to journalists. None of that is regulated regardless of the subject matter, unless you put the press releases or a summary of the meetings on a website, social media space, or similar.

#### **4. So what activity will be regulated and why?**

We do not try to influence elections – it is one of our founding principles that we are impartial. We must always ensure that we do not endorse any political party or any political candidate. However, we campaign for human rights awareness and for human rights change. Sometimes these issues can be of political interest and controversy and can become associated with one political party or another. The regulations mean that, because of this, aspects of our campaigning may be regulated under this legislation if it could 'reasonably be regarded as intended to influence voters to vote for or against political parties or categories of candidates who support or do not support particular policies or issues,' regardless of our actual intentions. We have not, in our opinion, issued any campaign actions that would constitute a 'regulated campaign activity' that would require us to register.

#### **5. If you're campaigning on a regulated campaign, what must you do?**

- Maintain a detailed record of all your expenditure on public activities on 'regulated campaign activity' and keep all receipts that are more than £200 in value.
- When recording expenditure, it is important to record the date of the expense, the activity to which it is contributing, where that activity took place (including postcode) and the issue on which you were campaigning. This will help us to allocate expenses against constituency.
- Please provide us with your receipts and records at the end of each month, starting 6 November 2019. You can scan or photograph them and email to [activism@amnesty.org.uk](mailto:activism@amnesty.org.uk), or you can post them to: Activism Team, Amnesty International UK, Human Rights Action Centre, 25 New Inn Yard, London, EC2A 3EA.
- If you receive donations – including goods or services of £500 or more in value and these are specifically for regulated campaign activity, then you will need to record the donor contact details and tell us straight away so that we can ensure that this is treated correctly under the new law.
- If you are planning on printing your own materials to use publicly on 'regulated campaign activity', please talk to us first. This is because they may need to carry what is known as an 'imprint', stating the publisher and promoter. This is a simple procedure.

Please complete this form every month for any area of regulated campaign activity:  
[www.amnesty.org.uk/lobby-act-record](http://www.amnesty.org.uk/lobby-act-record)

#### **7. What about working with other campaigning groups in your towns and universities?**

If you're working with someone on 'regulated campaign activity' as part of an Amnesty campaign, you will need to ask your partner organisations for details of their expenditure, which you should return to us with your own records. You will need to be willing to provide them with details of your own.

If you want to undertake joint campaigning outside the constituency or constituencies that are part of your local or institutional area, please get in touch. Until the next

election, we do not advise working with other groups on any campaigns that are not Amnesty campaigns, unless you believe that these campaigns are not 'Regulated Campaign Activity'. This recommendation is mainly to keep things simple for you and we are happy to provide advice and support on a case-by-case basis.

#### **8. What is our view on this legislation?**

Along with many other UK charities and NGOs, we are concerned about the impact of this law on campaigning during election periods. Our position now is that we will monitor the impact of the law on our own work as well as keeping in touch with the impact on others in civil society.

#### **Questions?**

If you are worried about anything, want advice or have any questions, please contact [activism@amnesty.org.uk](mailto:activism@amnesty.org.uk). Alternatively, email or speak to your usual contacts at the Human Rights Action Centre.

# ANNEX 1 – WHAT IS REGULATED CAMPAIGN ACTIVITY

During the general election regulated campaign activity is anything that:

1. We (or you) do leading to something that we intend to be seen or heard by the public between **13 December 2018 and 12 December 2019** – this is known as “the public test”  
*AND*
2. Reasonably be regarded as intended to influence voters to vote for or against political parties or categories of candidates who support or do not support particular policies or issues

## The Public Test

These things (or similar) would meet “the public test”:

- Press conference or an event to which the media are invited
- Meetings that the public are invited to
- Rallies, demonstrations, stalls, stunts, actions and similar that are visible to the public
- Opinion-polling and canvassing – door-to-door, by phone bank or similar
- Materials that are displayed to the public
- Amnesty web pages – including your group’s web pages
- Amnesty comments on social media, including Twitter and Facebook (again, including your group’s social media pages)
- Transport to public meetings, press conferences, etc
- The following are excluded from the definition of ‘the public’
- Communications with committed Amnesty International supporters – this will include anyone you are communicating to because they are an Amnesty member or someone who regularly attends your local group. Unfortunately, general email lists count as being public unless we can establish that they are all ‘committed’ Amnesty supporters
- Meetings that are attended only by Amnesty members – unless you have advertised them to the public
- Anything that you send only to the media and which is subsequently reported (for example, press releases and letters to the editor, provided you don’t then exhibit them on a website or public space.)
- Meetings that you have with your MP or party candidates – provided you do not then publicise the outcome or content of the discussions

## The Purpose Test

The Electoral Commission define the purpose test as activity that can reasonably be regarded as intended to influence voters to vote for or against:

- One or more political parties
- Political parties or candidates that support or do not support or oppose particular policies or issues
- Categories of candidate, for example, candidates in a certain age group

The Electoral Commission updated their advice in September 2019 to address concerns in relation to the purpose test and unscheduled elections:

*The retrospective nature of the regulated period may concern campaigners due to uncertainty about whether the rules apply. **However, most campaign activity undertaken before an election is announced is unlikely to meet the purpose test.***  
[emphasis added]

In practical terms, very little of what you do as activists will count as “regulated campaign activity” and when we believe that a campaign or action does meet this definition, we will tell you.

## Annex 2 – Expenditure Limits

Expenditure limits established by the legislation (since the 2015 General Election)

| <b>Which part of UK</b>     | <b>Limit for non-registered organisations</b> | <b>Limit for organisations that have registered with the Electoral Commission</b> |
|-----------------------------|---|---|
| Whole of UK                 | £20,000                                       | £390,000  |
| England                     | £20,000                                       | £319,800  |
| Scotland                    | £10,000                                       | £54,400   |
| Wales                       | £10,000                                       | £44,000   |
| Northern Ireland            | £10,000                                       | £30,800   |
| Any individual constituency | £9,750  | £9,750  |