

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, Write For Rights, the Stop Torture Campaign, anti-death penalty work, Women in Afghanistan campaign, crisis work, LGBT rights and more.

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 MPs, 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 'a reasonable person' might think that what we are doing is partly intended to influence the choices of voters, regardless of our actual intentions. We have not yet issued any campaign actions that are regulated but we know that we may do so in the months ahead.

5. The most likely area of regulated campaign activity will be around the Human Rights Act

The recent announcement by the Conservative Party on proposed changes to the Human Rights Act, places this area of work firmly in the election arena. As the UK Section of the world's leading human rights organisation we will understandably and rightly want to campaign on any regression of human rights protection here. Doing so at this time, could be seen to be seeking to influence the election and so all of our public activity on it will be regulated.

This will not stop us campaigning. Indeed we have an AGM Decision from the 2013 AGM instructing us to equip activists to campaign on this issue. We will absolutely be doing that and encouraging all activists to stand up for our rights at home as well as abroad over the next few months.

It means though that on this issue, where you are holding public meetings, campaigning at public events, posting press releases on your websites - you will need to count the cost and let us know.

6. 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 end of November 2014. You can scan or photograph them and email to 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

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 over the next seven months as well as keeping in touch with the impact on others in civil society. The fact that we're registered as a 'non party campaigner' is a result of our need to comply pragmatically with the law in order to campaign effectively. Indeed we would rather not have had to register as a non party campaigner because as stated above, we are not now, nor ever have been, seeking to influence the result of any election. We neither endorse nor condemn any political party or any political candidate.

Questions?

If you are worried about anything, want advice or have any questions, please contact 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

For the next general election regulated campaign activity is anything that:

- we (or you) do leading to something that we intend to be seen or heard by the public between 19 September 2014 and 7 May 2015 – this is known as “the public test”

AND

- A reasonable person might think that it was intended or could be inferred as intending to influence voter behaviour because it supports or opposes a particular candidate or political party or policy that they clearly and publicly adhere to (and their rivals do not).

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.

They say that “Campaign activity may meet the purpose test *even if it does not name a particular party or candidate*. For example, if you are campaigning for a policy that is closely and publicly associated with one or more political parties. Even if you intend your campaign activity to achieve something else, such as raising awareness of an issue, it may still meet the purpose test.”

Our understanding of the rules is that something will not meet this test if:

- There is no clear, significant and public difference between party positions on the issue we are campaigning about or commenting on;
- We are commenting on or campaigning about legislation before Parliament or existing governance practice and regulations – provided that we do not publicly highlight any party political differences on the issue.

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 II

Expenditure Limits established by the legislation (for the 2015 General Election)

Which part of UK	Limit for non-registered organisations	Limit for organisations that have registered with the Electoral Commission
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