



Standards of Conduct Committee

The UK Lobbying Bill - an update

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This briefing has been produced by the Research Service [in conjunction with for use by the Standards of Conduct Committee.

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1. Introduction

[The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill](#) (“the Bill”) was introduced to the House of Commons on 17 July 2013. It received its Second Reading on 4 and 5 September 2013 and was considered by a Committee of the Whole House on 9, 10 and 11 September 2013. Report Stage in the House of Commons took place on 8 and 9 October 2013 and it received its Third Reading on 9 October 2013. The Bill is now in the Lords and receives its Second Reading on 22 October 2013.

The Bill is intended to introduce a statutory register of consultant lobbyists and establish a Registrar to enforce the registration requirements. Election campaign spending by those not standing for election or registered as political parties would be more heavily regulated and the legal requirements placed on trade unions in relation to their obligation to keep their list of members up to date would be strengthened.

The Committee has considered whether the Assembly’s arrangements for regulating lobbyists are robust and concurred with the view of Standards Commissioner that:

the arrangements currently in place for regulating lobbying, as it relates to Members of the National Assembly, are essentially sufficiently robust and fit for purpose.¹

The Committee’s recommendation for strengthened guidance on lobbying was agreed by Plenary on 26 June 2013 and the guidance has been in place since 23 September 2013.²

The Bill does not contain a requirement for devolved bodies to have a register of lobbyists. However, other provisions in the Bill will have an impact in Wales.

The Research Service has produced a [paper on the Bill](#), including views expressed during Second Reading. This Briefing provides an update to the paper.

2. The Bill

The Bill:

- establishes a register of professional lobbyists and a Registrar of lobbyists to supervise and enforce the registration requirements.
- changes the legal requirements for people or organisations who campaign in relation to elections but are not standing as candidates or a registered political party.
- changes the legal requirements in relation to trade unions’ obligations to keep their list of members up to date.

Part 1 of the Bill extends to the whole United Kingdom. The requirement to register applies to all consultant lobbyists engaged in lobbying UK Government Ministers and Permanent Secretaries, regardless of where the lobbying takes place or where the consultant lobbyist is based.

¹ [Standards Committee’s Report 03-13 to the Assembly on Lobbying and Cross-Party Groups, May 2013](#) [accessed 11 June 2013]

² [RoP, 26 June 2013](#) [accessed 6 September 2013]

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However, Part 1 does not make any provision in relation to those who lobby the Devolved Administrations and Legislatures. It deals only with reserved matters and does not require the consent of the devolved legislatures. The Assembly, therefore, will not be required to have a register of lobbyists.

Part 2 of the Bill extends to the whole of the United Kingdom, deals only with reserved matters and does not need the consent of the devolved legislatures. Certain amendments also extend to Gibraltar.

The provisions on Trade Unions' registers of members, which are inserted into the *Trade Union and Labour Relations (Consolidation) Act 1992* ("TULRCA") by Part 3, will extend to England and Wales and to Scotland but not to Northern Ireland, where it is a devolved matter.

3. Progress of the Bill

Part 2 of the Bill is the most controversial part as the third sector is of the view that this will restrict the activities of voluntary organisations. Furthermore, the Electoral Commission has concerns about its own role in enforcing this part of the Bill. Some minor changes were made to the Bill at Committee Stage but the UK Government promised that amendments would be tabled at Report Stage to address concerns that definitions in the Bill relating to "for election purposes" could restrict campaigning organisations in campaigning that was not intended to promote or procure the success of a party or candidate.

Ahead of the Third Reading, the National Council for Voluntary Organisations (NCVO) wrote to MPs saying that the amendments the UK Government had brought forward did not go far enough. The Wales Council for Voluntary Action (WCVA) supports the NCVO's position.³ Responding to the publication of the UK Government's amendments, Sir Stuart Etherington, the Chief Executive of NCVO said:

The government's commitment to address the legitimate concerns of many charities and other voluntary organisations remains welcome, however, the proposed amendments do not go far enough. The assurances given by ministers on the floor of the house to ensure that charities will still be able to support specific policies that might also be advocated by political parties have not been met.

Legal advice provided to NCVO indicates that the proposed amendments put forward by the government will mean that much campaigning activity by charities and other voluntary groups will still be covered by this excessively bureaucratic and burdensome regime.

"The amendments leave a great deal of uncertainty and ambiguity. In short, many organisations including small community groups, will be required to consult the Electoral Commission before undertaking campaigning activity in an election period in order to ensure they are not falling foul of the new regulations."⁴

³ [WCVA, Lobbying Bill moves to Lords, 11 October 2013 \[accessed 15 October 2013\]](#)

⁴ [NCVO, Lobbying bill amendments do not go far enough. Joint statement from NCVO and ACEVO, 4 October 2013 \[accessed 15 October 2013\]](#)

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A diverse coalition of prominent charities, campaign groups, academics, think tanks and online networks has launched an independent Commission in response to concerns about the Bill. [The Commission on Civil Society and Democratic Engagement](#) will take evidence from across the UK and will ensure the widest range of views are heard on this issue in a very tight timescale. It will then make recommendations to Parliament about appropriate regulation of non-party campaigning activity ahead of elections – in time for the Committee Stage of the Bill in the House of Lords in November.

MPs from Wales, Scotland and Northern Ireland continued to express concern during Report Stage and Third Reading about the implications for devolved legislatures. Wayne David MP tabled two unsuccessful amendments to compel the UK Government to assess the impact of the Bill on the devolved institutions:

In essence, what I am saying is that the relationship between the Bill and the devolved institutions is not straightforward. Some provisions will apply to them, but others will not. There will inevitably be some confusion, but it is vital to ensure that there is not excessive confusion about what does and does not apply to the devolved institutions, and about how the legislation will work in practice. We therefore call for a report to be laid before both Houses with a proper assessment of the impact that part 2 will have on third-party engagement with the devolved institutions.

There is a complex relationship between the devolved and non-devolved institutions in this country. We all know that an important referendum is taking place in Scotland next year. We also know with near certainty, because of the Fixed-term Parliaments Act 2011, when the next general election will be. The two periods concerned are bound to overlap and there will inevitably be a great deal of confusion about which measures apply, what moneys may be spent, what moneys apply to one campaign but not to another and what moneys apply to both campaigns.⁵

The Deputy Leader of the House, Tom Brake MP, replied:

Only some of the part 2 provisions apply to third parties campaigning in elections to the devolved Administrations. At the time of the Bill's introduction, the Government published an impact assessment to accompany it. The analysis has been thorough. To require the Government to undertake another analysis at a later date serves no purpose. In addition, the Electoral Commission already has a statutory function of reporting on the conduct of elections under current legislation. As part of that function, the Government would expect the commission to examine the impact of changes to rules on third-party campaigning at future elections. It would not be for the Government to duplicate the role of the independent regulator.⁶

⁵ [HC Debates, 9 October 2013, Col. 172 \[accessed 15 October 2013\]](#)

⁶ [HC Debates, 9 October 2013, Col. 194 \[accessed 15 October 2013\]](#)