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## The Lobbying Bill – an update on parliamentary and campaign activity

Our campaign against Part 2 of the Lobbying Bill has entered a new phase, as the government has begun to understand the implications of the Bill for the charitable and voluntary sector, and agreed to stall progress of the Bill to allow for more consultation. Unfortunately, we only have until 16 December before the Bill will be debated again in Parliament. This briefing explains what has happened over the last few weeks. Please visit the website for more information about how the NFWI is continuing to campaign and how you can help.

### Select committee reports and the Commons stages

In September, MPs voted to progress the Lobbying Bill, despite impassioned speeches from MPs about the Bill's serious flaws. Andrew Lansley MP, leader of the House and speaking on behalf of the government, defended the Bill and claimed that NGO's concerns were unfounded. Liberal Democrat MPs, headed up by Tom Brake MP, said they supported the bill and thought it was part of delivering on the Coalition Agreement. But several Liberal Democrat backbenchers expressed concern about the lack of pre-legislative scrutiny, and some Conservative MPs sought assurances about the impact on NGOs.

In discussions with NGOs the previous week, the government promised to amend one aspect of the Bill, which was about the question of intent and effect of campaigning. The current law restricts civil society on the basis of activities with the *intent* of having an impact on election outcomes. The Lobbying Bill was proposing to restrict activities that have the *effect* of impacting on election outcomes – whether we meant to have an impact or not.

But this concession is not enough to assuage the fears of NGOs. The [Electoral Commission](#) said while the new wording was clearer, it did 'not address other issues that we have raised with the Bill, including concerns about the impact of reducing the spending threshold that requires campaigners to register with us, and about the new controls on spending focused in individual constituencies....In our [Electoral Commission] view, this change does not materially reduce the scope of what is covered by the Bill.'

The Bill was also seriously criticised by three different parliamentary committees, who during the short time they had to scrutinise the Bill, found flaws in its drafting, its intent, and also highlighted the serious constitutional and democratic implications of the Bill.

The [Political and Constitutional Reform Select Committee](#) chair Graham Allen MP laid amendments to the Bill based on his Committee's findings. [These amendments](#) would clarify that regular advocacy and information-raising work that charities/NGOs undertake would not be unfairly defined as 'electioneering', and would return the original spending caps.

The [Joint Committee on Human Rights](#) and the House of [Lords Constitution Committee](#), as well as Graham Allen's Committee, all decried the lack of pre-legislative scrutiny given to the Bill and how the government was 'rushing' its passing. 'This amounts to an abuse of the Parliamentary legislative and scrutiny process,' which considering what is at stake - 'the constitutional right to freedom of political expression' – was of deep concern.

Meanwhile, WI members continued to write to their MPs and attended a series of public events around the country to ask local MPs about their views on the Bill. You can see a video of one such event [here](#). The NFWI emailed every peer asking them to attend the upcoming debate on the Bill, and also joined 40 other NGOs to write to Lord Wallace urging him to 'stop, to listen, and to work with us to find a solution.'

### The Commission on Civil Society and Democratic Engagement

What became clear during the Commons debates on the Bill, the government's arguments and the concerns of the parliamentary committees, was the gap in understanding about what the NGO sector does and how it contributes to a healthy democracy. The government chose not to consult the sector (nor the regulator that would police the sector) and were unable to articulate clearly what problem the Bill was seeking to solve. Meanwhile, NGOs were furiously writing to MPs to explain how the Bill had severe implications for them. Over 50 prominent charities, campaign groups, academics think tanks and online networks decided to set up a Commission to close this gap.

[The Commission on Civil Society and Democratic Engagement](#), chaired by Richard Harries, the Bishop of Oxford, was designed to give a voice to stakeholders not consulted ahead of the Bill's publication and to inform the government and parliamentarians in their deliberations on the Bill. It received evidence over a two-week period in order to be completed by the time reached the House of Lords. It held evidence sessions in London, Belfast, Edinburgh and Cardiff, and over 60 organisations submitted evidence in writing.

## The Impact of the Bill on Wales

The Commission on Civil Society and Democratic engagement found particular fault with the Bill's treatment of campaigning in Wales and other devolved nations.

The Commission concluded that 'the differences in cultural and political contexts in Scotland, Wales and Northern Ireland compared to England have not been considered in proposing the measures in the Bill. The combination of measures including tightening the spending cap and introducing constituency caps makes the interrelationship with elections in devolved administrations much more challenging for organisations wanting to campaign.'

Some aspects of the Bill seem to have been decided arbitrarily, to the detriment of the devolved nations. The Commission wondered why Wales, Northern Ireland and Scotland registration thresholds (the amount an organisation can spend on campaigning before having to register) were all set at £2000, considering the population of those three nations are very different. £2000 is also very low in the context of how charities in devolved nations have to interact with Westminster: 'Geographical distance from Westminster means base-level activity such as staff travel to London could require registration.' Of further concern to Welsh charities was the impact of dual language activity. 'The reduced [spending] limits are considered too low to absorb the cost of large-scale translation and printing in both Welsh and English without curtailing activity.'

The Commission heard from many charities operating in Wales, Scotland and Northern Ireland, who said if the Bill passed in its current format, they could find themselves choosing to be burdened with onerous registration requirements or stopping their campaigning work altogether.

## The Commission's recommendations

The Commission concluded that Part 2 of the Bill is so flawed that it is beyond reasonable amendment using the usual parliamentary process and allocated timescale in the House of Lords. The Bill's many shortcomings, [as found by the Commission](#), included

- The definition of non-party campaigning in the current law – the Political Parties, Elections and Referendums Act 2000 (PPERA) - leaves undesirable uncertainty about the activity that is subject to regulation.
- The impact of that uncertainty is exacerbated by the proposed changes in the Bill to the regulatory threshold, spending cap and new constituency cap. In other words, the Bill makes a difficult situation even worse.
- The far-reaching changes proposed in the Bill would cumulatively have a chilling effect on non-party political campaigning activity that is essential to a healthy democracy.
- Individually, many of the proposed changes in the Bill are impracticable and it is unclear how charities could possibly comply.
- There are uncertainties about how the Charity Commission and the Electoral Commission guidance for third-parties relate to one another.

It advised the government to pause Part 2 of the Bill, to allow for proper consultation and consideration by a select committee of parliament. [You can read the Commission's Report in full here.](#)

## Lords stages of the Bill

During the Second Reading of the Bill in the Lords - six and a half hours and 40 speeches - few government peers attended, while crossbenchers and Labour peers, according to Baroness Royall, 'had a brilliant debate on a bad Bill'. There were lots of mentions of NGOs who had written to peers expressing their concern – the Women's Institute was [mentioned by Baroness](#)

[Hayter of Kentish Town](#) who had received our letter outlining our concerns. Nearly every peer opposing Part 2 of the Bill called for a pause in the timetable to allow for consultation and consideration, picking up on the central lesson from the Commission's consultation work. NGOs continued to contact peers to ask them to read the Commission's report. The government was rattled, and attempted to negotiate.

Report stage – the government manages to avoid an '[embarrassing defeat](#)'.

[Lord Ramsbotham](#) (Labour) tabled an amendment calling for a pause to send Part 2 of the Bill to a select committee, for at least three months. NGOs were united in calling for peers to back this amendment, in line with the findings of the Commission. Peers received emails, phone calls and tweets from nearly 60 different NGOs, including the NFWI. The pressure on the government was immense.

Government Ministers headed off a damaging rebellion by promising concessions, including a delay to bringing Part 2 up for debate again. It wasn't the three month delay the Commission recommended, but Lord Ramsbotham did not push this amendment to the vote, having had discussions with ministers who promised they also would:

- Raise the regulatory threshold (to a level that hasn't been decided).
- Consider raising the new constituency spending threshold.
- Consult widely to address the whole range of concerns that have been raised.
- Acknowledge problems with the definition in the PPERA 2000 legislation.
- Produce a report before Committee stage for peers to scrutinise.

[The Independent reported](#) that Lord Wallace of Saltaire (Cabinet Office spokesman in the House of Lords) said discussion of the Bill would be put back until the week starting December 16, as the government was 'open minded about changing a number of aspects' of the legislation. Lord Wallace said debate on other parts of the Bill would continue, and the Government still planned to finish its committee stage by Christmas. The [BBC reported](#) that during the 'pause' Wallace and other ministers would 'consult widely all of the interested parties, members of this House and the many others outside'. He said they would draw on the work of the Commission on Civil Society and Democratic Engagement.

## What's next

Government paused Part 2 of the Bill because it had united voluntary organisations against the threat to campaigning on some of the most important issues facing the country ahead of elections. The Commission on Civil Society and Democratic Engagement's [report](#) was a damning critique of the Bill.

The Commission has admirably decided to continue its work consulting on this Bill. In a letter to fellow peers, Bishop Harries explained how their task must continue in order to make sure any amendments to the Bill when it returns to the house 'have the backing of solid evidence and are not just plucked from the air,' noting the government's Impact Assessment of the Bill is woefully inadequate in addressing all the possible consequences of the Bill.

The NFWI agrees with Bishop Harries that five weeks 'is a very short period of time to conduct the research, consultation and consideration necessary to produce sound legislation,' and we hope that if five weeks proves insufficient, the government will see sense and allow more time to get the legislation right. We applaud the Commission's ongoing work to 'to produce evidence that reflects the experience and judgement of a very wide range of charities and campaigning groups in the few weeks allowed us.'

The Commission will produce another report on 10 December alongside amendments to improve the bill. A Day of Action will be held at Parliament to coincide with the second report. Please contact the Public Affairs Department for more information about this event.