



working with parents of children with special needs

Simon Kirby
By Email

4th September 2013

Dear Simon,

Re: Part 2 of Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill

When the draft Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill was presented to Parliament on 17 July 2013, the initial view within the voluntary sector was that it would not have much impact on charities and other voluntary organisations, as they would not be included in the proposed statutory register of lobbyists. However, major concerns have emerged during August, as the implications of part 2 of the bill became clearer.

I am writing to all our City's MPs to ask that you ask the government to give serious consideration to putting the proposals in part 2 on hold so there is time for consultation on "a solution that addresses concerns about undue influence in politics without the risk of sweeping every charity and community group in the country into a deeply burdensome bureaucratic regime".

I am deeply concerned that changes to non-party campaigning rules in the lobbying bill will severely restrict the ability of charities, like Amaze, to speak out on matters of public interest.

The proposals are intended to strengthen existing rules that limit what organisations can do to support political parties during an election. But the proposed changes mean that tens of thousands of charities and community groups may inadvertently be caught in the scope of deeply burdensome regulation. The new rules are so complex and unclear that they will be challenging if not impossible for charities and community groups to follow, the NCVO believes see tinyurl.com/p54edrx.

For many charities like Amaze, raising awareness of the issues affecting the people and causes they support is a routine and important part of their work and central to their charitable objectives. The bill as currently drafted is entirely unworkable and may limit our ability to speak out on issues of concern:

- The provisions of the Bill are very broad in scope. We are concerned that legitimate day to day activities of charities and voluntary organisations engaging with public policy would be caught by these rules. This means that the number of regulated charities, voluntary organisations and other groups will increase substantially.
- As a whole, the Bill is incredibly complex and unclear. It may be difficult for charities and other voluntary groups to understand if any of their activities would be caught, and this runs the risk of discouraging campaigning activity.

- The Bill gives substantial discretion to the Electoral Commission. This creates an unnecessarily burdensome regulatory regime and may leave charities, voluntary organisations and the Electoral Commission open to legal challenge.
- The Bill introduces a number of excessive reporting requirements and stringent spending limits for those caught within the scope of the bill.
- Although we now have fixed term parliaments, the date of an election is not always knowable, this means an even greater degree of uncertainty for organisations to understand how and when the rules will apply.

Legal opinion provided to NCVO by election law expert Helen Mountfield QC of Matrix Chambers suggests the new rules are so complex and unclear that they are “likely to have a chilling effect on freedom of expression, putting small organisations and their trustees and directors in fear of criminal penalty if they speak out on matters of public interest and concern”.

We are asking you to ask the Government to remove Part II of the Bill – Clause 26 through to Clause 35 and associated schedules – in order to consult widely on the changes that are necessary to balance the aim of increasing transparency with the regulatory burden.

I look forward to hearing from you.

Yours sincerely



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