



Pitfalls and Opportunities in Political Campaigning

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Issues

- Charity Commission guidance
- “Lobbying” Act 2014 (Transparency of Lobbying Non-Party Campaigning and Trade Union Administration Act 2014)
- Grantmaking and campaigning

Charity Commission guidance

- a trust for political purposes/to secure a change in law is not charitable.
- campaigning: awareness raising and efforts to educate or involve the public by mobilising their support on a particular issue, or to influence or change public attitudes
- political activity: aimed at securing or opposing any change in the law or in the policy or decisions of central government, local authorities or other public bodies

Charity Commission guidance

“There is no limit on the extent to which charities can engage in campaigning in furtherance of their charitable purposes”

VS

“You can undertake campaigning work as long as it is not your main activity”

“Political activity cannot be the continuing and sole activity of the charity”

VS

“A charity may chose to focus most, or all of its resources on political activity for a period. These situations must apply only for a period in the overall life of the charity”

Charity Commission guidance

- are the definitions of political activity and campaigning too rigid?
- uncertainty about the amount of campaigning which can be carried out
- difficulty in assessing ability of a charity to focus most/all of its resources on political activity for a period

Lobbying Act 2014

- much debated
- around a dozen charities have registered

Lobbying Act 2014 - Purpose test

The purpose test is where expenditure can reasonably be regarded as intended to promote or procure electoral success at any relevant election for:

- i. One or more particular registered parties;
- ii. One or more registered parties who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of such parties;
- iii. Candidates who hold (or do not hold) particular opinions or who advocate (or do not advocate) particular policies or who otherwise fall within a particular category of candidates

Lobbying Act 2014 - Public test

The public test is where a charity is spending funds on:

- i. the production of material which is made available to the public at large or any section of the public;
- ii. canvassing or market research seeking views or information from, members of the public;
- iii. press conferences, or other media events, organised by or on behalf of the third party;
- iv. transport (by any means) of persons to any place or places with a view to obtaining publicity
- v. some public rallies and other public events.

Lobbying Act 2014

- risk of advertently falling within purpose test
- social media: Oxfam case

Lobbying Act 2014



Lobbying Act 2014



Lobbying Act 2014

- need to take greater care around social media as instantaneous and easier to generate bias
- Charity Commission will take underlying circumstances into account

Grantmaking Charities

- care needed about funding campaigning charities
- campaign purpose must be within objects of grant making charity – if established to advance health cannot fund a campaign to relieve poverty
- need to ensure use of funds is for a charitable purpose

Grantmaking Charities

- laws change – purposes which were political become charitable e.g. Race Relations
- activities and purposes
- question of degree
- funding of research, rather than the campaign itself
- issue of giving to non-charities



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