The Lobbying Act

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The Integrity-Violation Transparency of Lobbying, Party Policing and Trade Union Administration Act 2014 (aka the Lobbying Act) is in force and affects what can and can’t be said by organisations and their staff and members (including volunteers) up until the General Election on 7 May. It can catch activity that might otherwise be regarded as “political”.

Set out below are some practical pointers you need to bear in mind between now and the General Election.

Guidance published by the Charity Commission can be found here:
Guidance published by the Electoral Commission can be found here:

Electoral Commission and Charity Commission guidance

The IET is registered as a Charity in England and Wales (No. 211014) and Scotland (No. SCO38698).

The starting point

As a charity, the IET cannot engage in party political activity. The IET does not seek to lobby for the benefit of any political party or candidate.

The Lobbying Act

The Lobbying Act imposes (slightly less) limits on what “third party campaigners” (such as the IET) can spend on “lobbying”. Lobbying is activity “that can reasonably be regarded as intended to influence an employee of the legislative or executive branch of the State to take or avoid an action”, and this activity can be carried out by a “reasonable person” (eg by publishing a response to that party’s position), this is more likely to be seen as supporting or opposing that party and therefore caught by the legislation.

Practical examples

An article, not an advert, written by a representative of the IET talking about a particular engineering issue in the UK.

A campaign to encourage the UK government to engage on a particular issue.

A clear call to action requiring candidates to complete a questionnaire showing where they stand on a particular issue.

A campaign directly critical of an MP or their track record on a particular issue.

Context and timing

Context will always be important. If the IET’s activities coincide with specific events which would make it logical for the IET to campaign on the same issue at the same time, this is likely to be caught. For example, in close proximity to the General Election the IET can campaign on an issue in which it is publically supported or opposed as a partiality or interest (or in deciding a responses to that action). This is more likely to be seen as supporting or opposing that party and therefore caught by the legislation.

Tone of your activity and materials

If materials or activities at the IET’s sites have caused or are the subject of any complaints about the IET’s activities, the IET may be investigated. If any materials or activities are investigated the IET might find itself at risk of appearing to support or oppose a political party or candidate.

Focus on the campaign message, not the parties

Try to keep the focus on the central message of the relevant IET campaign, rather than on the particular party or candidates, because if supports or opposes the IET’s position, it is in effect connected with the IET.

Electoral Commission

The Electoral Commission is the UK’s independent regulator of political parties and candidates. It can register political parties, candidates and election expenses, and it can also fine parties and candidates for breaches of electoral law.

 Charity Commission

The Charity Commission is the national regulator of charities. It can register charities, and it can also fine charities for breaches of charitable law.

The “man on the Clapham omnibus”

The IET’s actual (subjective) intention with regards to a campaign or activity will be irrelevant. What will count is whether the “reasonable person” would regard the campaign or activity as being “reasonably regarded as intended to promote or procure electoral success”. Reasoning about what the reasonable person would interpret as being intended to promote or procure electoral success requires an appreciation of “a reasonable member of the public, and all will be judged by that standard, not connected with the IET how they would regard any planned activities.

Seek advice

The fact that activities may be regulated doesn’t necessarily stop them going ahead, but taking advice early will help ensure the IET complies with its legal requirements. If you have any doubts about whether an activity you are planning may be caught by the Lobbying Act, please email legal@iet.org.

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Geography

Doesn’t matter

It doesn’t matter whether the person or group undertaking the “lobbying activity” is based.

 increases in activity

If a particular party or candidate comes out in favour, or in opposition, to a particular issue while the IET is campaigning on it, the IET does not increase its campaigning activities on that issue in response. It might be seen as supporting or opposing that party or candidate – it would make any campaigns overtly reactive to the positions or statements of political parties or candidates.

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