

Situations and procedures

# European Parliamentary elections 2019 (GB and NI): Non-party campaigners

---

This document is for non-party campaigners in Great Britain and Northern Ireland at the European Parliamentary elections to be held on 23 May 2019.

Forms you might need:

TP4(i)

Contents:

The regulated period

---

Spending limits

---

Donations

---

Reporting deadlines

---

## Translations and other formats

For information on obtaining this publication in another language or in a large-print or Braille version please contact the Electoral Commission:

Tel: 020 7271 0500

Email: [publications@electoralcommission.org.uk](mailto:publications@electoralcommission.org.uk)

You can find this document in the Welsh language [here](#)

## Terms and expressions we use

You will normally be doing enough to comply with the law if you follow this guidance.

We use '**must**' when we refer to a specific requirement. We use '**should**' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

## Our approach to enforcement

The Commission regulates political funding and spending in a way that is effective, proportionate and fair. We are committed to providing those we regulate with a clear understanding of their regulatory obligations through our guidance documents and advice service. If you are unsure of how any of the rules apply to you, please call us for advice. We are happy to help, so please get in touch.

We use advice and guidance proactively in order to secure compliance. And we take enforcement action, using our investigatory powers and sanctions, where it is necessary and proportionate to do so in order to meet our enforcement aims and objectives.

If you do not comply with legal or regulatory requirements you or your organisation may be subject to civil or criminal sanctions. You can find more information about the Commission's approach to enforcement at

[www.electoralcommission.org.uk/party-finance/enforcement](http://www.electoralcommission.org.uk/party-finance/enforcement)

# 1

## European Parliamentary elections 2019 (GB and Northern Ireland): Non-party campaigners

### This document explains:

The rules on spending for non-party campaigners campaigning in the European Parliamentary elections on 23 May 2019.

### This document covers:

- the regulated period
- spending limits
- donations
- when you must register with us
- reporting requirements
- key dates and events

# 2

## Related documents:

This guidance gives an overview of the rules in relation to the European Parliamentary elections. You should refer to the guidance documents below for more detailed explanations of the rules.

- [Overview of non-party campaigns](#)
- [Registering as a non-party campaigner](#)
- [Managing non-party campaign spending](#)
- [Overview of regulated non-party campaigning](#)
- [Joint campaigning for non-party campaigners](#)

## Forms you may need:

- [Campaign expenditure report by a non-party campaigner](#)
- [Return of donations by a non-party campaigner](#)

# 3

## Summary

Political parties, candidates and non-party campaigners are vital to a healthy democracy and we encourage active participation by campaigners. Where there is significant spending on campaigning, there are rules that must be followed to ensure that there is transparency in the system.

Under the Political Parties Elections and Referendums Act 2000 (PPERA), there are rules on how much non-party campaigners can spend on regulated campaign activity in the run-up to certain elections and reporting of donations and spending after the election.

This document sets out the PERA rules on the regulated periods, spending limits and reporting requirements in the run-up to the European Parliamentary elections in May 2019.

# Introduction

Non-party campaigners are individuals or organisations that campaign in the run-up to elections, but are not standing as political parties or candidates. In electoral law, these individuals or organisations are called ‘third parties’. Where non-party campaigners have registered with the Electoral Commission they are called “recognised third parties”. In our guidance we call recognised third parties ‘registered non-party campaigners’.

Before elections, we publish specific guidance for non-party campaigners which sets out the spending limits, regulated period and reporting deadlines for the particular election being held. This guidance covers the rules in the run up to the European Parliamentary elections 2019 in Great Britain and Northern Ireland.

# 5

## The types of non-party campaigns

There are two types of non-party campaigns. These are:

- **Local campaigns:** non-party campaigns for or against a candidate in a particular electoral area (for example, for an independent candidate in a region).
- **General campaigns:** non-party campaigns for or against a political party, or particular categories of candidate, including campaigns on policies or issues closely associated with a particular party or category of candidates (for example, candidates representing a party on a regional list in Great Britain).

Local campaigns are regulated by the police. You can find more information on local campaigns in our guidance for [candidates in Great Britain](#) and [in Northern Ireland](#).

General campaigns are regulated by the Electoral Commission. If you are running, or planning to run, a general campaign, you may need to register with us.

More information on what kind of spending is regulated can be found in [Overview of regulated campaign activity](#).

The rest of this document focuses on the rules for general campaigns in the 2019 European Parliamentary elections.

# 6

## The regulated period

In the run up to certain elections, there is a set time when the rules on spending and donations apply. We call this time the 'regulated period'. The rules will differ, depending on which election is being held.

Spending on regulated campaign activity is regulated in the run-up to the 2019 European Parliamentary elections. The regulated period began on

**23 January 2019**, and will end on polling day, **23 May 2019**.

### Elections in 2019

#### **European Parliamentary elections 2019**

On 23 May 2019 voters in the United Kingdom will cast their ballot to elect 73 Members of the European Parliament.

There are limits on non-party campaign spending on elections to the European Parliament.

Spending in the regulated period that can be reasonably regarded as intended to influence voters to vote for or against candidates or parties in the European Parliamentary elections will count towards these limits.

#### **Local government elections in England and Northern Ireland**

Local government elections are also taking place in England and Northern Ireland on 2 May 2019.

These elections are being held during the regulated period for the European Parliamentary elections.



Important

**This means that all general non-party campaign spending in the local government elections will be counted against the spending limit for the European Parliamentary elections.**



# What counts as regulated campaign spending?

During the regulated period there are rules about how much non-party campaigners can spend on 'regulated campaign activity'.

The following will be regulated campaign activity, if they can reasonably be regarded as intended to influence voters to vote for or against political parties or categories of candidates, including political parties or categories of candidates who support or do not support particular policies or issues (we call this the '**purpose test**')

- press conferences or other media events that you organise
- transport in connection with publicising your campaign

As well as meeting the purpose test, spending on the following activities is only regulated if the activities are **also** aimed at, seen or heard by, or involve the public (we call this the '**public test**'): This applies to:

- the production or publication of election material
- canvassing and market research (including the use of phone banks)
- public rallies and public events

Spending on any of these activities will be regulated if the activity can reasonably be regarded as intended to influence voters to vote for or against a political party, or categories of candidates. We call this 'regulated campaign spending'.

You can find out more information on what counts as regulated campaign activity in our guidance: [Overview of regulated non-party campaigning](#)

# Spending Limits



Your spending limit will depend on whether you register with the Electoral Commission as a registered non-party campaigner. Only certain types of individuals and organisations can register with us.

If you do not register, then your spending limits are:

| Part of the UK   | Spending Limit |
|------------------|----------------|
| England          | £20,000        |
| Scotland         | £10,000        |
| Wales            | £10,000        |
| Northern Ireland | £10,000        |

If you do register with us, then your spending limits are:

| Part of the UK   | Spending Limit |
|------------------|----------------|
| England          | £159,750       |
| Scotland         | £18,000        |
| Wales            | £11,259        |
| Northern Ireland | £6,750         |

## Northern Ireland

In Northern Ireland, the spending limit for registered campaigners is lower than the spending limit for unregistered campaigners. This means that you must not spend over £10,000 in Northern Ireland.

If you register because you intend to spend over £20,000 in England or £10,000 in Scotland or Wales, then you must not spend over £6,750 in Northern Ireland.

## Gibraltar

There are different rules for Gibraltar-based non-party campaigners. If this affects you please call us for advice.

# 9

## Attributing your spending

If you are a registered non-party campaigner, there are rules on how your spending must be attributed across the different parts of the United Kingdom if you are campaigning in more than one part of the UK. We call these the 'attribution rules'. You must ensure that you stay within the spending limits which apply for each part of the UK.

Where the spending relates wholly to one part of the UK, you should allocate it there. Where spending relates substantially to one part, you should allocate it entirely to that part, even if there is a minor overlap into another part.

If your spending relates to more than one part of the UK, you will need to divide it between them in proportion to the number of Parliamentary seats in each of England (533), Scotland (59), Wales (40), and Northern Ireland (18).

### Example 1

You distribute a newspaper mainly in Wales, with a small percentage distributed in adjoining English counties. The cost of this newspaper should be allocated entirely to Wales.

### Example 2

You spend £90,000 on a national advertising campaign. You should first divide it by 650 (the total number of Parliamentary seats in the UK). Then, to get the proportions, multiply it by 533 (for the English proportion), 59 (for the Scottish proportion), 40 (for the Welsh proportion) and 18 (for the Northern Ireland proportion).

$$£90,000 \div 650 = £138$$

| Part of UK       | Calculation | Proportion |
|------------------|-------------|------------|
| England          | 533 x £138  | £74,000    |
| Scotland         | 59 x £138   | £8,000     |
| Wales            | 40 x £138   | £6,000     |
| Northern Ireland | 18 x £138   | £2,000     |

The constituency figure of £138 has been rounded to the nearest pound and the figures for the proportions have been rounded to the nearest £1000.

# 10

When planning your campaign, you should be aware of all the spending limits that apply and when you need to attribute spending across England, Scotland, Wales, and Northern Ireland.

If you do not follow the attribution rules carefully, you may breach the spending limits.

You should plan your spending in advance and calculate the proportion of spending that will need to be attributed to different parts of the UK **before** spending is incurred.

# Registering with us

## Who can register?

Only the following types of individuals or organisations can register and become a registered non-party campaigner:

- an individual registered on a UK electoral register, or resident in the UK
- a UK-registered political party (including 'minor parties')
- a UK-registered company which is incorporated in the EU and carries on business in the UK
- a UK-registered trade union
- a UK-registered building society
- a UK-registered Limited Liability partnership which carries on business in the UK
- a UK-registered friendly, industrial, provident or building society
- a UK-based unincorporated association that carries on the majority of its business or other activities in the UK
- a body incorporated by Royal Charter
- a UK charitable incorporated organisation
- a Scottish partnership which carries on business in the UK

If you register with us, you will have a higher spending limit. Once you are registered, there are rules you must follow on donations, spending and reporting.

There are different rules for Gibraltar-based non-party campaigners. If this affects you please call us for advice.

## How to apply to become a registered non-party campaigner

If you want to register, you can make an online application by visiting [PEF Online](#).

Please contact us if you require a different method of registering.

When we receive your application, we will consider the information you have provided and confirm in writing when your notification is in force.

Your registration lasts for 15 months from the date on which you are registered.

## What do you need to do after you have registered?

Once you have registered with us, you must comply with spending and donations controls and reporting requirements.

As an overview, you must:

- have a system in place for authorising spending on regulated campaign activity
- keep invoices or receipts for payments over £200 made as part of your spending on regulated campaign activity
- report to us after the election, on spending on regulated campaign activity if you have spent more than £20,000 in England or £10,000 in Scotland, Wales, or Northern Ireland.
- check that you can accept any donations you receive that are over £500 and record them
- comply with the reporting requirements for donations you receive for spending on regulated campaign activity

# 13

For more information on how to register, please see our guidance: [Registering as a non-party campaigner](#).

You can find out more information on donations and the reporting requirements in the following guidance documents:

- [Managing non-party campaign spending](#)
- [Overview of donations for non-party campaigners](#)

## Joint campaigns

If you work together with other non-party campaigners, this may affect your spending limits and whether you need to register as a non-party campaigner.

You may decide to work together with other non-party campaigners on regulated campaigning as part of a coordinated plan or arrangement that is intended to achieve a common purpose. We call these campaigns 'joint campaigns'.

There are a number of different ways you can work together with other campaigners as part of a joint campaign:

- you can be a non-party campaigner working with other campaigners
- you can be involved in a 'lead campaign' as either a 'lead campaigner' or a 'minor campaigner'
- you can be a non-party campaigner working with other campaigners where there is at least one lead campaigner and minor campaigner

If non-party campaigners work together as part of a joint campaign, their combined regulated campaign spending, will count towards the spending limit of each non-party campaigner involved.

Different rules will apply depending on how you work with other non-party campaigners in your joint campaign. For more information on joint campaigns see our guidance: [Joint campaigning for non-party campaigners](#)



# Donations

As part of the application to become a registered non-party campaigner, you must appoint a 'responsible person'. The responsible person is responsible for compliance with the rules under PPERA and must ensure that the rules on donations are followed.

This includes maintaining suitable systems to ensure that donations are dealt with correctly. You must ensure that you have systems to check whether you can accept the donations and to record details of donations so that you can report them in the spending return after the election.

## What is a donation?

A donation is money, goods, property, or services which is given:

- towards your regulated campaign spending
- without charge or on non-commercial terms

and has a value of over £500.

Some examples of donations include:

- a gift of money or other property
- sponsorship of an event or publication
- subscription or affiliation payments
- free, or specially discounted use of property, or facilities, for example the free use of an office

**Under PPERA, anything with a value of £500 or less is not a donation.**

# 16

## **What type of donations do the rules cover?**

The rules cover all donations that are given towards your spending on regulated campaign activity even if you receive them before the start of the regulated period.

You must check that you can accept these donations. If you use these donations on spending on regulated campaign activity, you must report them in your campaign spending return after the election. For this reason, you must keep records of donations that you receive.

The rules do not cover money that you receive towards spending that is not regulated. For example:

- leaflets you produce and use before the regulated period begins
- campaign activity that does not meet the purpose test

You can find out more about donations in our guidance:

[Donations to non-party campaigners](#)

There are different donations rules for Gibraltar-based non-party campaigners. If this affects you please call us for advice.

## Who can you accept donations from?

You must only accept donations from a permissible source.

A permissible source is:

- an individual registered on a UK electoral register, including overseas electors and those leaving bequests
- a UK-registered company which is incorporated within the European Union and carries on business within the UK
- a UK-registered trade union
- a UK-registered building society
- a UK-registered limited liability partnership (LLP) that carries on business in the UK
- a UK-registered friendly society
- a UK unincorporated association that is based and carries on business or other activities in the UK

You must not accept donations from an impermissible source, this includes a political party.

For more information on donations, please see our guidance:

- [Donations to non-party campaigners](#)
- [Situations and Procedures: Permissibility for non-party campaigners](#)

# Reporting regulated campaign spending and donations

If you spend or plan to spend more than £20,000 in England or £10,000 in Scotland, Wales, or Northern Ireland you must register with us as a non-party campaigner and report all your regulated campaign spending to us.

In your records, you should include which category of spending each item falls into. You must send us this information in your spending return after the election. You must also keep invoices or receipts for any payments over £200.

## Reporting requirements for spending

For each item of spending, you must report the following information in your spending return:

- what the spending was for, for example, leaflets or advertising
- the name and address of the supplier
- the amount or value
- the date that you spent the money

### Items given free of charge

If you receive items free of charge you must report the full market value of the item (the notional spending).

You can find out how to do this in our guidance: [Managing non-party campaign spending](#)



## Items given at a non-commercial discount

Similarly if you receive items at a non-commercial discount of more than 10% and it is valued at more than £200, you must report the full market value of the item (the notional spending).

## Reporting requirements for donations

Certain donations must be reported to us as part of your spending return. We publish these reports on our website. We don't publish the addresses of individuals who donate.

After the election you must report:

- details of all impermissible donations
- all accepted donations over £7,500
- all accepted donations that add up to over £7,500 from the same donor
- the total of all other accepted donations that were worth more than £500 and less than or equal to £7,500. You do not need to provide any more information about these donations.

## Reporting requirements and deadlines after the election

If you have registered with the Electoral Commission as a non-party campaigner, you must report your donations and spending to us after the election if you spend more than **£20,000 in England or £10,000 in Scotland, Wales, or Northern Ireland.**

Any notional spending valued at **over £500**, will also be classed as a donation, and must also be reported as a donation on your spending return.

For more information see this document:

[Overview of donations to Non-party campaigners](#)

## Time limits for receiving and paying invoices

There are time limits by which the responsible person:

- you, if you are an individual campaigner; or
- the individual nominated in your application to register, if you are an organisation,

**must** receive and pay all invoices for your campaign spending.

You must receive all invoices on or before **24 June 2019**.

You must pay all invoices on or before **22 July 2019**.

## Reporting spending and donations

You must report your regulated campaign spending and donations after the election.

The deadline for reporting your campaign spending and donations is **Friday 23 August 2019**.

You can report your spending and donations via PEF Online.  
Visit: <https://pefonline.electoralcommission.org.uk/Default.aspx>

More information about reporting your spending and donations after the elections is available in our guidance: [Managing non-party campaign spending](#)

You can also use these forms, to report your spending and donations to us after the election:

- [Campaign Expenditure report by a non-party campaigner](#)
- [Return of donations by a non-party campaigner](#)

If you are posting your return, we recommend that you post it in time to arrive no later than the last working day before the deadline.

## Key dates and events

| Event  | Date            | Action   |
|--|-----------------|--|
| Regulated period begins                      | 23 January 2019 | Ensure you have systems in place to record all your spending         |
| Polling day and end of Regulated Period      | 23 May 2019     |  |
| Deadline to receive invoices                 | 24 June 2019    | Make sure you have received all your invoices on or before this date |
| Deadline to pay invoices                     | 22 July 2019    | Make sure you have paid all your invoices on or before this date     |
| Deadline for submitting your spending return | 23 August 2019  | You must submit your spending return to us by this date              |

## How we can help:

You can find more information in the guidance that we have suggested in this document, or you can view our full range of guidance and up-to-date resources on [our website](#).

You can contact us on the phone number or email address below. We are here to help, so please get in touch.

Call us on:

- England: 0333 103 1928  
[pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk)
- Scotland: 0333 103 1928  
[infoscotland@electoralcommission.org.uk](mailto:infoscotland@electoralcommission.org.uk)
- Wales: 0333 103 1929  
[infowales@electoralcommission.org.uk](mailto:infowales@electoralcommission.org.uk)
- Northern Ireland: 0333 103 1928  
[infonorthernireland@electoralcommission.org.uk](mailto:infonorthernireland@electoralcommission.org.uk)

Visit us at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

We welcome feedback on our guidance – just email us at:  
[pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk)