PARLIAMENTARY DEBATES

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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

ELECTIONS BILL

Eleventh Sitting

Tuesday 26 October 2021

(Morning)

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Saturday 30 October 2021

The Committee consisted of the following Members:

Chairs: Rushanara Ali, Sir Edward Leigh, † Mark Pritchard, Christina Rees

† Anderson, Fleur *(Putney)* (Lab)
† Badenoch, Kemi *(Saffron Walden)* (Con)
† Bell, Aaron *(Newcastle-under-Lyme)* (Con)
† Bristow, Paul *(Peterborough)* (Con)
† Clarkson, Chris *(Heywood and Middleton)* (Con)
† Furniss, Gill *(Sheffield, Brightside and Hillsborough)* (Lab)
Gibson, Peter *(Darlington)* (Con)
† Grady, Patrick *(Glasgow North)* (SNP)
† Harris, Rebecca *(Lord Commissioner of Her Majesty's Treasury)*
† Hollern, Kate *(Blackburn)* (Lab)
† Kruger, Danny *(Devizes)* (Con)
† Mayhew, Jerome *(Broadland)* (Con)
† O'Hara, Brendan *(Argyll and Bute)* (SNP)
† Randall, Tom *(Gedling)* (Con)
Shelbrooke, Alec *(Elmet and Rothwell)* (Con)
† Smith, Cat *(Lancaster and Fleetwood)* (Lab)
† Smith, Nick *(Blaenau Gwent)* (Lab)

Adam Mellows-Facer, Chris Stanton, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 26 October 2021

(Morning)

[Mark Pritchard *in the Chair*]

Elections Bill

9.25 am

The Chair: Before we begin, I have a few preliminary reminders for the Committee. I know that you have heard them before, but if you could listen, that would be helpful. Could we have social distancing, and could we have masks being worn when not speaking, please? Also, to be helpful to our wonderful *Hansard* colleagues, could you email any notes to hansardnotes@parliament.uk? *[Interruption.]* That is a reminder: please could you turn off all electronic devices? Thank you very much indeed.

We now resume line-by-line consideration of the Bill. Members who wish to press a grouped amendment to a Division should indicate that they wish to do so when speaking to it.

Clause 16

Notional expenditure: use of property etc on behalf of candidates and others

Question proposed, That the clause stand part of the Bill.

The Minister for Levelling Up Communities (Kemi Badenoch): It is a pleasure to serve under your chairmanship, Mr Pritchard. Clause 16 makes an important clarification to our political finance rules that I hope will be welcomed by all members of this Committee. In 2018, after the Supreme Court determined that the rules on notional expenditure for candidates did not contain a test of authorisation, there were concerns among parties and campaigners that candidates could be liable to report benefits in kind that they did not know about, but could be seen to have benefited from. On Second Reading, we heard about the direct impact that unclear rules about notional expenditure has had on colleagues, and we must prevent the unwelcome consequences that this confusion may have on participation, such as stopping people from volunteering to be agents due to their fear of falling foul of the law through no fault of their own.

That is why we are making it clear that candidates only need to report as notional expenditure benefits in kind—property, goods, services and facilities that are given to the candidate at a discount, or for free—that they have used themselves, or which they or their agent have authorised, directed or encouraged someone else to use on the candidate's behalf. That is what was already widely understood to be true prior to the court case. We have sought input from the Parliamentary Parties Panel on these measures, and are confident that they will bring important clarity to the rules and support compliance.

In this clause, we are also making an equivalent amendment to the rules for other types of campaigners, such as political parties and third-party campaigners, to ensure consistency. Expenditure that promotes an individual candidature would continue to count towards a candidate's own spending limit, and expenditure that is joint between a party and a candidate will continue to be apportioned appropriately, a practice which all parties have long engaged in. Together, these changes will bring much-needed reassurances and clarity to candidates and their agents on the rules that apply to notional expenditure. They will support compliance with the rules and ensure that those wishing to participate in public life can feel safe in doing so. I therefore commend the clause to the Committee.

Question put and agreed to.

Clause 16 accordingly ordered to stand part of the Bill.

Clause 17

Codes of practice on expenses

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: This clause amends existing provisions in electoral law in respect of the codes of practice that the Electoral Commission may prepare on election expenses for candidates. The clause also amends the parliamentary procedure to bring into force some of those codes of practice, so that parliamentary procedures are consistent.

Clause 17 ensures that the code of practice on candidate spending that the Electoral Commission may prepare can, and should, cover what constitutes notional expenditure and third-party spending under the Representation of the People Act 1983. We are making that change in order to put the scope of the guidance beyond doubt. It is important that the guidance is comprehensive, so that it can address concerns about notional expenditure that have been raised across the political spectrum. At present, the legislation implementing the various codes of practice on candidate spending is difficult to understand, and different codes are subject to different procedures.

Currently, the codes of practice on spending for both candidates and parties and campaigners are laid before both Houses in draft form, and are subject to parliamentary scrutiny for up to 40 days. It is right that Parliament is able to scrutinise those codes before giving them final approval, so this will not change. We are amending the provisions for the candidate code in the 1983 Act simply to specify that the order that brings this code of practice into force is a statutory instrument. This is a minor amendment to an existing power and simply remedies the fact that the legislation does not specify that at present. Like the other codes, the candidate code will still be subject to parliamentary scrutiny for up to 40 days. We are not changing that.

We are also amending the Political Parties, Elections and Referendums Act 2000 so that the order bringing the code of practice for political parties into force is subject to no parliamentary procedure, rather than being subject to the negative resolution procedure. That is in line with other commencement orders and with the procedure followed for other codes of practice prepared by the Electoral Commission. This follows the initial 40 days of parliamentary scrutiny when the code is laid in draft, and that will not change. As I explained, these changes will ensure that the procedure for all the codes of practice are consistent and clearer, while ensuring that Parliament remains able to duly scrutinise them and give them final approval.

None of the codes has been put forward to Parliament to date and, given that the Elections Bill is changing the law on notional expenditure, the draft codes previously developed by the Electoral Commission will need to be updated to reflect the changes in the law. We would expect the Electoral Commission to consult political parties and others in future on any new codes of practice.

Question put and agreed to.

Clause 17 accordingly ordered to stand part of the Bill.

Clause 18

AUTHORISED PERSONS NOT REQUIRED TO PAY EXPENSES THROUGH ELECTION AGENT

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: Section 75 of the Representation of the People Act 1983 prohibits any third party spending above a certain amount on candidates without the written authorisation of the election agent. However, the current rules also provide that any authorised spending incurred by the third party must be paid for by the election agent. That is not logical, which is why we are amending the rules so that any authorised spending under section 75 can be both incurred and paid for by the authorised third party.

The measure does not change the existing rules around submitting spending returns, as any authorised spending should still be reported by both the third party and the candidate. This change will make the process of paying for that authorised spending more straightforward.

Question put and agreed to.

Clause 18 accordingly ordered to stand part of the Bill.

Clause 19

DECLARATION OF ASSETS AND LIABILITIES TO BE PROVIDED ON APPLICATION FOR REGISTRATION

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: Clause 19 amends section 28 of the Political Parties, Elections and Referendums Act 2000 to bring forward transparency about political parties' assets and liabilities to an earlier stage. There is already a requirement for political parties to maintain a record of assets and liabilities in their annual accounting records. However, that information may not be available until up to a year after a party registers and can therefore be after an election that the party has contested.

Parties with assets or liabilities that do not exceed the £500 threshold will be required to make a declaration confirming that fact. Parties with assets or liabilities in excess of £500 will be required to produce a record of those assets and liabilities to accompany their declaration. That will be incorporated into the registration process with the commission and into the register maintained and published by the commission. Parties with assets and liabilities of above £500 will be indicated on the register of parties.

This is a good step forward as it will allow earlier public scrutiny of parties' finances and ensure public confidence in the transparency of all political parties' financial positions.

Question put and agreed to.

Clause 19 accordingly ordered to stand part of the Bill.

Clause 20

PROHIBITION ON ENTITIES BEING REGISTERED POLITICAL PARTIES AND RECOGNISED THIRD PARTIES AT SAME TIME

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider clause 21 stand part.

Kemi Badenoch: Clause 20 prohibits groups and individuals from having access to multiple spending limits at an election. Spending limits exist to ensure a level playing field, and any opportunities to unfairly expand them should be removed. During the 2019 UK parliamentary general election, one group claimed that it could do exactly that by registering as both a political party and a third party campaigner. That showed the potential for the current rules to be abused and spending limits expanded.

If we do not close down the loophole, it may be exploited further in future. This change will prohibit recognised third party campaigners from registering as political parties and gaining access to a spending limit for each registration. That will serve to protect the integrity of the existing spending limits.

To ensure that there can be no doubt, the list of individuals and entities permitted to be on the third party campaigner register will also be amended to remove political parties. As groups may already appear on both registers when the provision comes into force, clause 21 will ensure that any group that spends in a third party capacity during a regulated period will not be able also to spend as a political party. That means that any group appearing on both registers when these provisions are commenced will have to choose whether it wants to spend as a political party or a third party campaigner during any subsequent regulated period.

Finally, clause 20 also makes consequential amendments to the rules on donations, spending and reporting for recognised third party campaigners, where they currently refer to the specific requirements for political parties, which take into account their existing financial controls as a party. Altogether, these changes will ensure that groups cannot use the rules to their advantage to expand their spending limits unfairly.

Question put and agreed to.

Clause 20 accordingly ordered to stand part of the Bill.

Clause 21 ordered to stand part of the Bill.

Clause 22

RESTRICTION ON WHICH THIRD PARTIES MAY INCUR CONTROLLED EXPENDITURE

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: Clause 22 restricts all third party campaigner spending during a regulated period to entities eligible to register with the Electoral Commission, as listed in section 88 of the Political Parties, Elections and Referendums Act 2000, and to overseas unincorporated associations with the requisite UK connection.

[Kemi Badenoch]

Currently, foreign third party campaigners can legitimately spend on UK elections underneath the recognised third party campaigner registration thresholds, which are £20,000 during a regulated period in England, and £10,000 in Scotland, Wales and Northern Ireland. This activity becomes illegal only once the thresholds are passed. It is important that only those with a legitimate and fair interest in UK elections are able to influence the electorate.

Clause 22 will remove the scope for any legal spending by foreign third party campaigners underneath the registration threshold but above a £700 de minimis. The inclusion of such a de minimis provision will balance the desire to prohibit spending by foreign entities without criminalising low level, potentially unintentional breaches below £700, which are unlikely to adversely impact an election.

It is worth noting that only individual overseas electors are permitted to register as third party campaigners with the Electoral Commission. In order to support overseas electors, who are important participants in our democracy, to work together, the clause will permit them to form unincorporated associations to campaign if they spend below the new lower tier registration threshold of £10,000, set out in clause 24. That is in line with the current situation, and it is only right that such electors should be able to spend in UK elections as they can now. Under our proposals, unincorporated associations will meet the "requisite UK connection" requirement to incur spending in UK elections only if they are composed solely of registered overseas electors.

To conclude, these provisions make necessary and proportionate changes to ensure that spending at UK elections is only permitted, above a £700 de minimis, for those with a legitimate interest in UK elections. They help reduce the risk of illegitimate foreign influence in UK elections.

Question put and agreed to.

Clause 22 accordingly ordered to stand part of the Bill.

Clause 23

THIRD PARTIES CAPABLE OF GIVING NOTIFICATION FOR PURPOSES OF PART 6 OF PPERA

Fleur Anderson (Putney) (Lab): I beg to move amendment 71, in clause 23, page 33, leave out lines 6 to 10.

This amendment would leave out the powers for ministers to remove categories of permitted campaigner while leaving in place their power to add new categories of campaigner.

The Chair: With this it will be convenient to discuss amendment 72, in clause 23, page 33, line 10, at end insert—

"(11) The power to make provision by virtue of paragraph (9)(b) or (c) is exercisable only on, and in accordance with, a recommendation of the Electoral Commission."

This amendment would require the Government to obtain the recommendation of the Electoral Commission before removing or varying categories of permitted campaigner.

Fleur Anderson: It is a pleasure to serve under your chairship, Mr Pritchard.

Part 4 and its provisions are a brazen attack on our democracy. They will undermine the ability of civil society organisations, charities and trade unions to engage and campaign in our democracy—that is why they are so controversial. We need to spend additional time considering them, and I hope that all Committee members will take up our amendments, which are reasonable, represent an improvement and come very much from civil society.

The provisions in question will infringe the rights of working people to organise politically or campaign on pay or rights at work, and they risk silencing the very people who got our country through the pandemic. They are an unnecessary and disproportionate reaction. They will not add to the integrity of our elections, but only have a chilling effect on democracy.

In a free and open society, democratically elected Governments are scrutinised by Opposition parties and civil society, often campaigning on single issues. Part of what makes democracy healthy is the freedom for civil society to challenge those in power, which the Government are seeking to curtail with the clause and which we seek to amend with amendments 71 and 72.

The clause will allow a Cabinet Office Minister to define who may legally campaign at elections, giving them the power to amend or remove the types of organisations that are allowed to spend as little as £700 on election campaigning across the whole UK. It also doubles as the list of organisations that are allowed to register with the Electoral Commission and spend more than £10,000 at elections. The Minister may now be able to ban charities that are critical of Government cuts to foreign aid, ban local community groups protesting against planning reforms, ban unions that might work with a political party for workplace rights, and ban anyone convicted of a public order offence. In conjunction with the Police, Crime, Sentencing and Courts Bill, which makes it much easier to criminalise protesters—even a protest involving one person—this would disproportionately impact on the Government's most vocal and active opposition, who may have already been criminalised for protesting. That is a terrifying prospect and, as far as I can see, quite unprecedented.

The Bill is not about influence. It is a way for the Government to stifle their critics before elections and cripple them during elections. Giving the Government such power over their opposition during elections is completely at odds with free and fair elections. It is deeply inappropriate and offensive to our democratic tradition. Unions and other campaign organisations have a right to engage in our democracy and already face a highly regulated landscape, which is why the clause is unnecessary.

Patrick Grady (Glasgow North) (SNP): The hon. Lady says this is the Government stifling their opposition. Actually, civil society, trade unions and charitable organisations are all our opposition, because they put equal pressure on all candidates and parties that stand in an election, as they want to achieve policy change. Obviously, some organisations are more closely affiliated with political parties than others are, but many of them are party-neutral in that sense, because they want to drive a policy change rather than see one party be successful in any given constituency or general election.

Fleur Anderson: I absolutely agree with the hon. Gentleman. It is a range of political opinions and opinions about different issues that are not necessarily

the main bread and butter of political parties, but which are so vital, especially in an election time, when we are talking about the future of such a wide range of policy decisions that are about to be made on behalf of the electorate. Unless we accept the amendment, we face the risk of some groups, individuals, community organisations and single-issue campaigns being unnecessarily banned from taking part in the electoral process. There will be scandals ahead unless we accept the amendment.

Labour's amendments 71 and 72 seek to temper the clause. Amendment 71 will delete the unprecedented and dangerous powers to remove categories of permitted campaigners while respecting the Government's stated intention to future-proof electoral law by allowing the addition of novel categories of campaigner. It is flexible and can still respond to new issues and campaigns as we go forward, but it does not have the draconian and heavy-handed influence of only the Minister choosing who is on the list. Amendment 72 requires the Government to obtain the recommendation of the Electoral Commission before removing or varying categories of permitted campaigner, and I hope all Members will agree that it is a very reasonable amendment.

Both amendments are necessary to prevent a Minister from having the unprecedented ability to interfere in a free and fair election. They also have significant civil society support, including from Bond—British Overseas NGOs for Development—which represents over 400 organisations, ranging from small specialist charities to large, international non-governmental organisations. It has many supporters in all our constituencies, with a worldwide presence, and believes that:

"This is an extremely broad power which could be open to abuse by future governments."

I would add that it could be open to abuse by the current Government. Bond has urged that it be amended, and so do I.

9.45 am

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 22]

AYES

Anderson, Fleur	O'Hara, Brendan
Furniss, Gill	Smith, Cat
Grady, Patrick	Smith, Nick

NOES

Badenoch, Kemi	Harris, Rebecca
Bell, Aaron	Kruger, Danny
Bristow, Paul	Mayhew, Jerome
Clarkson, Chris	Randall, Tom

Question accordingly negatived.

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: Clause 23 builds directly on the requirements put in place by clause 22. As I have mentioned, the aim of clause 22 is to remove the scope for foreign entities to spend above a £700 de minimis amount during the regulated period running up to an election by restricting all third party campaigner spending at that time to spending by entities that are eligible to register with the Electoral Commission, as in section 88 of PPERA.

However, we are conscious that legitimate categories of third party that are not on the list of categories of campaigners may emerge in future, and clause 22 would significantly restrict their ability to campaign if they could not be added to the list quickly. For that reason, clause 23 makes provision for the amendment of the list of eligible categories of third party campaigners in PPERA. It will allow the Government to add to, remove items from, or otherwise amend the list of categories of third party campaigners as necessary. Any such changes will be subject to parliamentary scrutiny via the affirmative procedure. These provisions will ensure that we can be responsive to the emergence of new groups, and that eligible categories of third party are not unduly restricted from campaigning and participating in our democracy in future. I therefore urge the Committee to allow the clause to stand part of the Bill.

Question put and agreed to.

Clause 23 accordingly ordered to stand part of the Bill.

Clause 24

Recognised third parties: changes to existing limits etc

Fleur Anderson: I beg to move amendment 76, in clause 24, page 33, line 23, at end insert—

"(5C) Registered charities and Community Interest Companies may act as a recognised third party subject to the lower-tier expenditure limits without the requirement to give the Electoral Commission notification under section 88 of PPERA."

This amendment would exempt registered charities and Community Interest Companies from the notification and registration requirements of Clause 24, which introduces a new lower tier registration for third party campaigners who spend more than £10,000 on controlled expenditure anywhere in the UK.

The Chair: With this it will be convenient to discuss the following:

Amendment 77, in clause 24, page 33, line 23, at end insert—

"(5C) Registered charities and Community Interest Companies (CICs) which intend to incur election expenditure within the lower-tier expenditure limits may provide the Electoral Commission with their charity or CIC registration number, and the Commission—

(a) shall treat that information as sufficient for the charity's or CIC's notification and registration for electoral purposes under section 88 of PPERA, and

(b) may collect any information the Commission requires about the charity or CIC from the Charities Commission or Companies House respectively."

This amendment seeks allow charities or Community Interest Companies who wish to campaign at elections within the lower tier of expenditure and which are already subject to transparency requirements to avoid the additional compliance burden arising from Clause 24.

Amendment 90, in clause 24, page 34, line 22, at end insert—

"except where the third party is a charity which is registered with the Charity Commission of England and Wales under section 30(1) of the Charities Act 2011 or is exempt from registration under section 30(2)(a), (b) or (c) of the Charities Act 2011 or is registered as a community interest company under section 36B of the Companies (Audit, Investigations and Community Enterprise) Act 2004;".

Fleur Anderson: I am pleased to speak to amendments 76 and 77, which would significantly improve the Bill. Amendment 76 would exempt registered charities and community interest companies, or CICs, from the notification and registration requirements of clause 24, which introduces a new, lower-tier registration for third party campaigners who spend more than £10,000 on controlled expenditure anywhere in the UK. Our amendment 77 seeks to allow charities or CICs that wish to campaign at elections within the lower tier of expenditure, and that are already subject to transparency requirements, to avoid the additional compliance burden arising from clause 24.

The Electoral Commission says on part 4:

"Some of the changes in Part 4 of the Bill would increase transparency for voters about who is spending money campaigning at elections and how they are funded."

So far, so good. It goes on:

"But they would not increase transparency about how much is being spent and on what. The added complexity of these changes could deter some from campaigning at elections, or restrict the type of campaigning they can spend funds on. Voters could therefore receive less information about candidates and parties, and hear from a narrower range of sources."

The Electoral Commission continues:

"Third party campaigners are individuals and organisations that campaign in the run-up to elections but do not stand as political parties or candidates. These are a vital part of a healthy democracy and play a significant role in providing voters with information. It is important that a broad range of campaigners can take part in public debate ahead of UK elections and referendums so voters hear a diversity of voices."

The commission states:

"These changes would add new requirements to laws which many campaigners have said are already complex and hard to understand."

Again, these changes are unnecessary and will have a chilling effect on democracy, and especially on registered charities and CICs. That is why they are the focus of our amendments. The Bill risks tying organisations up in red tape and stifling democratic engagement by civil society organisations, which are concerned about breaking the rules.

I was working in a charity when the gagging, or lobbying, Act—the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014—was introduced. I very often found myself sitting around with my colleagues asking, "Can we now do this? Can we now say that? Can we now work with them? What can we do?". Our charity did not have enough money to seek a large amount of legal advice. The law was also quite unclear, so to avoid falling foul of it, we would step back and not do many things that would have been perfectly within the law, which had been changed, just in case they were not.

The provisions we are discussing extend those powers. Indeed, I see this as a trilogy, comprising the lobbying Act, the Trade Union Act 2016 and this Bill, which altogether stifle democracy and free speech, and stop really valuable campaigners campaigning about issues that we politicians need to hear about.

I spoke to the National Council for Voluntary Organisations, which is concerned about this issue. It said that it was unconvinced by the argument in favour of the lower threshold in general terms. Has the Minister met the NCVO to discuss its concerns? The Government have framed the issue in terms of increased transparency, but it was not clear to the NCVO, which represents charities across the country, that there would have been a significant impact. It cannot see that there will be more transparency.

The NCVO asked the Minister's predecessor to look at whether charities could be exempted from the lower threshold. Its argument is that when campaigning is done by a registered charity, people can in any case look it up on the register and see who its trustees are, how it is funded and so on. The transparency point therefore does not apply in the same way, because charities are already transparent and highly regulated. This new tier will inevitably result in smaller organisations being unable to engage in democracy. Charities and community groups that might not have the policy and legal expertise of larger organisations and that, as I have said, will fear running afoul of the rules may decide—in fact, will decide—that it is not worth the trouble to spend a relatively small sum, or they might be put off by appearing on a public register.

Aaron Bell (Newcastle-under-Lyme) (Con): The hon. Lady is obviously making a powerful speech, but the primary purpose of charities, which we give tax relief to, should surely be supporting good causes, not campaigning in elections.

Fleur Anderson: In many respects, supporting good causes is done by campaigning. For many charities, the causes of the symptoms they are seeking to address will be back in Government policy. The policies that we decide all the time obviously have an immediate impact on people on the ground. Charities work with those people and need to change the policies to change the issue they are addressing.

Brendan O'Hara (Argyll and Bute) (SNP): Does the hon. Lady agree that charities by their nature have expertise and understanding—for example, of homelessness, third-world debt, climate change, or whatever—that we in this House have to learn from? The idea that they should be restricted simply to raising funds to alleviate an issue, rather than trying to engage and inform the debate, is simply preposterous.

Fleur Anderson: I absolutely agree. For example, during this Bill Committee, we have relied on expert advice from the Royal National Institute of Blind People about the impact of these changes on people who are blind or partially sighted across this country. As the representative organisation of those people, who will be affected by the Bill in how they vote, the RNIB should be giving us expert advice. In the future, having to work out how much money it has spent jointly and severally with other organisations, which tier it falls into and whether it will get on to the list will all have an effect on whether or not we receive that expertise, which helps us to be much better decision makers.

When we consider that the Conservative party spent £16 million in the last general election, we see that lowering the spending threshold for groups to register during an election from £20,000 to £10,000 is clearly aimed at deterring smaller organisations, community groups and single-issue groups, which the hon. Member for Argyll and Bute mentioned, such as groups concerned with refugees, disability rights, women's rights and LGBTQ issues. Community groups campaigning on a single

issue in our constituencies may fear running afoul of changing election rules, which will have that chilling effect.

I ask the Minister whether there will be a review of the impact of the lobbying Act as we go forward with the Elections Bill, because I think that they go together. To know what impact the lobbying Act has had on campaigning will be very instructive. Perhaps there has been such a review already, and I did not know about it. If not, will there be a review of the impact of that Act and this legislation on campaigning, particularly single-issue campaigning?

If existing party activity is redefined as joint campaigning, smaller unions that spend only very small amounts on regulated activity and do not come close to meeting the threshold for registering with the Electoral Commission could find themselves having to register and submit a complex and comprehensive return, despite having not spent any of their own funds on a campaign. Should not they be spending their money on frontline service provision and advocacy, rather than filling in complex and comprehensive returns that do not add to transparency but only decrease our democracy? This will be a huge bureaucratic burden on small organisations; it is both completely unnecessary and overly burdensome.

Labour's amendment 76 seeks to reduce the chilling effect and remove the burdens of additional regulation by exempting registered charities and community interest companies from the notification and registration requirements. In the community organisation that I worked for just before I became an MP, there was a fantastic organisation called SEN Talk—special educational needs talk.

For years, I supported it in becoming a CIC. It is a long process. The organisation had to go through a lot of measures and have a lot of transparency. It was doing a lot of frontline work with parents and children with special educational needs, but also it was advocating to the council for the changes that it needed in order to operate on behalf of parents, and to the Government, and working on Select Committee reports, for example. If that organisation were asked to then submit returns but did not know exactly when the election period was and feared falling afoul of this, it would have to cut down on its frontline services or not take part in the advocacy that really does help it to stand up for children with special educational needs. It would put that organisation in a real bind, and it is just one example.

This proposal has also, as I have mentioned, been called for by Bond—the overseas aid network—and several other third-sector organisations. Setting up a registered charity takes considerable time and effort, and these entities must already, by law, identify their trustees—or, in the case of CICs, their directors—and publish their accounts. There are already robust transparency initiatives regulating charity governance, so it is highly unlikely that those seeking to exert undue influence in elections would pursue this approach as a means of evading regulation. I would like to know how many conversations the Minister has had with CICs, in particular, about the effect of the Bill.

Registered charities cannot exist for solely political purposes, and charities that do engage in political activity in pursuit of their charitable objects are already closely monitored by the Charity Commission. These organisations would still have to register with the Electoral Commission as a non-party campaigner if they met the existing spending thresholds.

Amendment 77 would recognise the need for all campaigners at elections to submit to electoral regulation by the elections regulator, and to be transparent about their purpose if they are seeking to campaign to influence voters at election time—but without duplicating the compliance burden for those organisations that already routinely are required to be transparent.

I urge all hon. Members to support these very reasonable amendments, which would allow small organisations and single-issue campaigns to continue to campaign.

10 am

Patrick Grady: Like the Labour Front-Bench team, SNP Members have warned repeatedly about the chilling effect that the Bill as a whole will have on political participation. We have gone through the clauses that suppress turnout; we have gone through the clauses that weaken oversight of elections; and now we are on to clauses that will deter organisations with legitimate interests from contributing to debate and policy development, though that is what happens during general elections.

The intervention made by the hon. Member for Newcastle-under-Lyme was very telling. His point was that charities should be seen and not heard—the patrician attitude was that charities do beneficent works, helping poor unfortunate souls, maybe contributing to the Government's levelling-up agenda, or maybe not, and while doing all the hard work must live with the consequences of the policies made by Governments of whatever colour. That includes SNP Governments in Scotland; there will be organisations that are highly critical of some aspects of SNP Government policy—but so they should be, as the point of a vibrant third sector is to contribute to policy debate.

Most charitable organisations that I have come into contact with in my professional career, both in that sector and as a politician, ultimately do not want to exist. They are there to solve problems, and they do so by providing immediate relief and support to people who require it, but they also want to tackle the underlying policies that have caused those problems. The best time to do that is at election time, when decisions are made and when power really is in the hands of the people and the voters. Of course those organisations want to seek pledges from individual politicians. They are not necessarily seeking to influence political parties as a whole. They are certainly not telling their supporters which party to vote for. First, they are not allowed to, but even if they were, they are not going to tell their supporters and donors which party to vote for, because by definition these are cross-party organisations that draw support from a wide range of people across society, and doing so would be counterproductive.

It is crucial for our democracy, however, to allow these organisations to encourage supporters and donors, educate the people who support their cause, and engage with decision makers. If that means extracting pledges from candidates on a constituency-by-constituency basis, then good for them. If that means that candidates from whatever party get elected and are then held to account for signing a pledge or supporting a policy in the election, so much the better. When we have mass lobby

[Patrick Grady]

days here in Westminster—there are a few lined up this week, now that covid restrictions are easing—Members of Parliament from all the political parties come along to demonstrate their support for a charitable cause. Yes, sometimes there is weight in one direction or the other, but inevitably the best way to drive political change is to achieve cross-party consensus. That is what these organisations are often trying to do, but the clause will have the chilling effect of which the hon. Member for Putney spoke.

Cat Smith (Lancaster and Fleetwood) (Lab): When we heard the intervention from the hon. Member for Newcastle-under-Lyme, was the hon. Gentleman reminded, as I was, of Desmond Tutu's words:

"There comes a point where we need to stop just pulling people out of the river…We need to go upstream and find out why they're falling in"?

Is that not the philosophy of the charities that the hon. Gentleman has worked with? Certainly the charities that I have worked with in my constituency want to stop people falling into the river upstream, rather than just keep fishing them out at the bottom.

Patrick Grady: Absolutely. Where are those decisions ultimately made? Here, in rooms like this one. We are engaging with charitable organisations on this Bill. We are being advised and lobbied on matters in the Bill by organisations that are making representations to us, have frontline experience, and are delivering in a whole range of sectors. We have heard from domestic organisations and from Bond, the international development network.

I am sure all Committee members have diligently read the written evidence submitted by Bond, EB14. I strongly encourage them to do so, because it explains the challenges and difficulties faced by these organisations, which are having to comply with election registration regulations and reporting requirements, and finding it incredibly difficult. There is evidence in that document—we heard it from the hon. Member for Putney as well—that many organisations are already choosing simply to step back, so their voices are not being heard. That goes back to the narrative of what exactly the Bill is trying to achieve, in terms of suppressing debate and political participation in this country.

Although clause 24 is not quite as draconian as clause 23, it is still pretty oppressive. Amendment 96, tabled by the SNP, could achieve much the same as the Labour party amendments in exempting registered charities from these incredibly stringent new reporting requirements. The threshold of £10,000 could easily be reached once everything that had to be calculated was taken into account, such as staff time, resources, and collaboration with other organisations.

It would be easy to hit that threshold, potentially unexpectedly. The charity would then face another burden if it was sanctioned. There have been examples, referred to in the written evidence, of charities that inadvertently crossed the threshold and did not report that appropriately, and then faced fines. That is fair enough, if that is the regime, but it is another cost. That is money that people have given to those charities. It might be taxpayers' money, received through gift aid, that has to be spent on fines, compliance and regulation, deterring the charity from political participation and delivery of frontline services, when it already exists in a rightly strong and tightly regulated environment.

The Government should accept the amendments. If they genuinely believe in levelling up, surely they want to hear from organisations that have frontline experience of the difficulties and challenges being faced by ordinary people day to day, and that are identifying solutions that will help to raise standards in society and level up. In fact, we are seeing a levelling down, suppression of debate, sticking with the status quo, and a message not to challenge anything coming from the Government who happen to be in power now.

We have learned in this Committee and in others that the chances of an amendment succeeding are middling to none. Nevertheless, I look forward to the Minister's response to my points.

Brendan O'Hara: It is a pleasure to follow my hon. Friend, who is absolutely right, though I admire his endless optimism that the chances are middling to none. He is far more optimistic than me that the Government will ever move an inch. That does not mean that the arguments cannot be made. Indeed, there is every reason for the arguments to be made.

At general elections, every single one of us has been made to think, question and commit one way or another to an idea coming from a third party or campaigning organisation. That is exactly how it should be in a democracy. When we put ourselves forward for election, people have a right to know where we stand on the big issues of the day—whether that is homelessness, third-world debt or support for those suffering domestic violence—and where better to do that, for a charity or third party organisation, than a general election? People are not asking us just as individuals; they are asking all those who put themselves forward for election in this country where they stand, because our public have an absolute right to know that.

The real question is about the motivation of the Government in introducing the measure in the first place. Campaigning is a core function of many organisations. It allows them to highlight areas of concern and contribute to the wider public discourse, from a position of authority and experience, from which every one of us benefits. We have all heard from numerous third party organisations of their concerns, but these measures will make an already complicated area even more confusing and burdensome for those issue-based campaigning organisations. They face new rules that may see them inadvertently fall foul of legislation and, as a result, step a long way back from their activity. They will shrink back from that public debate, which can only harm our democracy. That will dampen public debate, and the voice of those marginalised groups they represent will be further diminished.

Organisations will quite rightly engage in campaigning 12 months prior to a general election, but the vast majority of that campaigning will not be focused on that general election. Those organisations campaign every day of the year, every year of a decade. That is what they are there to do; they are there to inform and to advocate.

What is really troubling here is the purpose test and whether it can be passed. It is confusing. The legislation says that the purpose test can be passed if it

"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".

That is all well and good, but the confusion arises because that is not the intention of the charity of a third sector organisation. The interpretation comes from someone else, and it is their perception of what counts as political campaigning. Even if the charity is clear that that is not its intention, it could be decreed by someone else that it is. The result is that the charities will shrink from those areas of concern—homelessness, domestic abuse—for fear of falling foul of the legislation. Many of us on this side of the Committee think that that was probably the Government's intention from the start.

Kemi Badenoch: Amendments 76 and 90 would exempt from the transparency requirements provided by the lower tier of expenditure registered charities, charities exempt from registering with the Charities Commission, and community interest companies spending more than £10,000 across the UK but less than the existing notification thresholds. Amendment 77 would allow those groups to forgo the usual notification process for the lower tier and instead provide only their charity or company number.

The Government are clear that any group spending significant amounts in UK elections should be subject to scrutiny. That is essential to ensure transparency for voters and to maintain the level playing field for all participants in elections. It is therefore right that all types of third party campaigner should be subject to the same sets of rules where they are trying to influence the electorate. The amendments would undermine those principles, and the Government cannot accept them.

Additionally, third party campaigner regulations do, and should, focus on the purpose of campaigning activities conducted by all organisations, not just specific types of organisation. Charities and CICs can always choose to spend less than £10,000 in the period before an election if they do not want to register with the Electoral Commission.

Patrick Grady: Given the repeal of the Fixed-term Parliaments Act 2011, how will charities know when it is 12 months before a general election?

Kemi Badenoch: I will come to that point in a moment. Charities can choose to spend less than £10,000 in the period before an election. The clause is drafted so as to increase transparency by requiring third party campaigners to register at a lower level of spend than is currently the case, while also ensuring that the regulatory requirements on such third party campaigners is proportionate to their campaign spend.

Digital technology has significantly reduced the cost of campaigning, and it is important that the lower tier of expenditure reflects that reality. Those third parties subject to the lower-tier expenditure limits will be subject only to minimal registration requirements and will not be subject to reporting or donations controls. That increased transparency is intended to reassure the electorate and to continue to uphold transparency as a key principle of UK elections. No group should be exempt from that. In fact, having third party spending limits is essential to prevent the influence of American style "super political action committee" pressure groups in UK elections.

The notification requirement for third party campaigners involves the provision of important information, which the Electoral Commission uses to ensure that campaigners are eligible and to provide information about those campaigners to the public. While amendment 77 would still require third party campaigners to notify the Electoral Commission, it would allow them to provide only their registration numbers with the Charity Commission or Companies House, instead of providing the usual information, which would undermine the intended transparency.

Let me address some of the questions raised by Opposition Members before I continue on clause 24. I am not clear about what the hon. Member for Putney was referring to when she talked about the impact on the lobbying Act; if I am not answering her question here, I am happy to write to her with more information. The report on the 2014 lobbying Act from Lord Hodgson of Astley Abbotts said that as one of the fundamental purposes of electoral law

"is to maintain public trust and confidence in the integrity of the electoral system, it must be right that any regulation should apply to all such participants, regardless of their size or status."

That shows that, even as the lobbying Act was being created and reported on, those considerations were taken into account.

10.15 am

The hon. Lady also asked about meetings with community interest companies. I believe that my predecessor, my hon. Friend the Member for Norwich North (Chloe Smith), met with the National Council for Voluntary Organisations and other civil society groups.

I simply do not accept the argument made by the hon. Member for Glasgow North. He asked how charities would know when an election was forthcoming, but he also said that charities specifically are doing that around election time. He is making two almost mutually exclusive points. The fundamental point made by SNP Members was about charity participation in elections, rather than political finance transparency, which is what the Bill is about.

Brendan O'Hara: I ask the Minister a very, very simple question. How will a charity or any other organisation—

Patrick Grady: Or a Back-Bench MP.

Brendan O'Hara: Indeed, or a Back-Bench MP—how will they know when they are in that 12-month period before a general election?

Kemi Badenoch: The fact is that we all have a fairly good idea of when an election will be. Although snap elections can be called, the fact is that everybody will be in the same situation.

Brendan O'Hara: Will the Minister give way?

Kemi Badenoch: I am not giving way again on that point. Third party campaigning groups will not have any special intelligence. People will need to take that into account when they are campaigning politically. People seeking to influence the electorate should all be subject to the same laws.

[Kemi Badenoch]

The debate is not about whether charities are nice groups or nice individuals, which is 50% of the argument made by SNP Members. To be perfectly honest, it sounds like Opposition Members want charities to make their political arguments for them, because they think they are more acceptable.

Brendan O'Hara: Will the Minister give way?

Kemi Badenoch: I am no longer giving way on that point.

That is not how we want to regulate our politics or our electorate. Charities should make points on their own—not in the way that SNP Members are saying, as if there are other political reasons that would be helpful to them, rather than the Government. They accuse us of playing politics, but it sounds to me as though they are the ones doing that.

Nick Smith (Blaenau Gwent) (Lab): In 2017, the Prime Minister called a snap general election. What would the Minister say to charities who find themselves in a similar situation after the Bill is passed?

Kemi Badenoch: I would say that all third party campaigning organisations need to be mindful of their spending. I believe that snap elections are a rarity, given what happened in 2017. They do not happen very often.

Patrick Grady: And in 2019?

Kemi Badenoch: Yes, but the fact is they are not very common. Every single one of us in this room is in the same situation. I was elected in 2017. I did not know that a snap election was going to be called. I am afraid that what Opposition Members are asking for is the Fixed-term Parliaments Act 2011, which is not within the scope of what we are discussing. Debates on the clause are not the place to discuss certainty around election time, if that is what Opposition Members want. The clause is about regulating political finance transparency.

The fundamental point made by Opposition Members is that clause 24 creates an undue administrative burden for charities and community interest companies, but it does not do that. They can easily supply the relevant information.

Cat Smith: Can the Minister answer a very simple question? Will there be a UK general election by 26 October 2022? That is 12 months from today.

Kemi Badenoch: The hon. Lady knows that I cannot answer any questions about when elections are forthcoming. That does not change the premise of our argument. I do not know; she does not know; charities do not know; no third party campaigners know. The law is equal for everybody. I am afraid we simply do not accept the argument that there should be special rules and exemptions for particular groups.

Charities can supply the relevant information, and the amendment would increase the administrative burden for the Electoral Commission—a point it has made several times—and not allow it to obtain all the necessary information covered in the notification requirements. Under the amendment, charities and community interest companies would not have to provide the name of a responsible person. That information cannot be obtained through Companies House or the Charity Commission because it is specific to electoral law.

It is important to identify a person who will be responsible for ensuring compliance with electoral law. Naming a responsible person also acts to protect third parties from being liable for expenditure that has not been authorised by that person. Allowing charities and community interest companies to be exempt from that requirement would risk their duty of compliance and protection falling away, which would not be right. In the light of the reasons I have given, and the minimal burden on charities that the measures will generate, we oppose the amendment.

Brendan O'Hara: I have a question for the Minister, which I think is a perfectly reasonable and fair question to ask on behalf of charities. How do they know right now that they are not 12 months out from a general election? How do they know where their spending is in relation to the next general election, and that they have not already exceeded the threshold? The question is whether she thinks it is fair for charities inadvertently to fall foul of the legislation, with their having absolutely no way of knowing where they stand because the Government have changed the rules around about them. Will she address the basic issue of fairness to our charities?

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 23]

AYES

Anderson, Fleur	O'Hara, Brendan
Furniss, Gill	Smith, Cat
Grady, Patrick	Smith, Nick

NOES

Badenoch, Kemi	Harris, Rebecca
Bell, Aaron	Kruger, Danny
Bristow, Paul	Mayhew, Jerome
Clarkson, Chris	Randall, Tom

Question accordingly negatived.

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: Third party campaigners must currently register with the Electoral Commission before they spend £20,000 in England and £10,000 in any of Scotland, Wales or Northern Ireland for controlled spending during a regulated period before an election. Groups that spend below those thresholds could be spending substantial amounts of money on campaigns, but they are not regulated. Clause 24 addresses that issue, and introduces registration for third party campaigners at a lower level of spend than is currently the case.

Third parties spending in excess of £10,000 on controlled expenditure during a regulated period across or in any constituent part of the UK, but below the existing per-country thresholds for registration, will be required to register with the Electoral Commission. That will not replace the existing registration thresholds, which will stay in place. Therefore, if a third party campaigner spends more than £20,000 in England or £10,000 in Scotland, Wales or Northern Ireland, they will still be

required to notify the commission as they currently do. That will be for all groups, as we said in the debate on the amendments. No exceptions will be made for any special category of campaigner; they will all be subject to the same rules.

In addition, all the measures apply only to qualifying expenditure that can reasonably be regarded as intended to promote or procure electoral success at any relevant election. I want to be clear that they do not apply to wider non-electoral campaigning that groups may undertake.

As I mentioned, third parties registered in the lower tier will be subject to minimal regulation upon registration—for example, ensuring that they are UK based or otherwise eligible to register with the Electoral Commission. Again, such entities will not be subject to some of the other political finance controls in legislation around reporting on donations and controlled expenditure, nor will they be subject to the internal reporting and recording requirements.

We must recognise that digital campaigning has significantly altered the campaigning landscape by making it easier to spend less on campaigns and to spend more widely across the whole UK. Introducing registration at a lower level of spend reflects that reality and will help to increase transparency for the public with regulation proportional to the level of spend.

Patrick Grady: The Minister said in her previous speech that the measure was partly intended to avoid a situation arising comparable to the US super-PACs that spend millions of dollars with very little regulation. It is impossible under current UK electoral law for a situation anything like that to arise in this country. The notion that small local charities that want to lobby their local candidates to stop the closure of a swimming pool, a school or a library are somehow comparable to the dark money seen in other parts of the world, which has been reported as potentially having an increasing impact in this part of the world, is completely extreme.

It is not impossible that there will be a general election in February 2022, because as the Minister has admitted, the Prime Minister will have that option when the Fixed-term Parliaments Act 2011 is finally repealed. As soon as that happens, the next election campaign will effectively start, which is delightful for all of us because of the rare snap elections that we have experienced twice in the last three years.

Under the terms of the clause, if an election came that early it might be the case that some organisations would have already reached the threshold without knowing it, not least because they are in the process of holding us to account for pledges that we made in 2019 that they have not had much opportunity to lobby on. Organisations that are organising a big lobby day—there are several coming up—that involve a lot of logistics such as the hire of the hall and the transportation of people, and that are related to pledges that Members may have made at a general election and therefore could reach the threshold, may find that they are already in breach without knowing it.

It is an awkward clause that relates to the overall package of reform that the Government are bringing in through the Bills that we have mentioned throughout the progress of this Bill, including the repeal of the 2011 Act, the Police, Crime, Sentencing and Courts Bill, and the other aspects of electoral and political law that are being amended. The Minister is falling back on the idea that it affects everyone, but that does not really answer that point. In a sense, it does affect all of us and we may already be in the run-up to a general election campaign but we just do not know because of the power grab that is being exercised by the Conservative Government, of which this clause is another example.

Question put and agreed to.

Clause 24 accordingly ordered to stand part of the Bill.

Clause 25

Joint campaigning by registered parties and third parties

Fleur Anderson: I beg to move amendment 74, in clause 25, page 36, line 19, at end insert—

'(2A) In section 85(2) of PPERA, after "incurred", insert "(in the case of a parliamentary election only after the date of the election has been set or fixed)".'

This amendment would limit regulated periods for UK Parliamentary General Elections to the period between the announcement of the election and the close of polls.

Clause 25 is about joint campaigning by registered parties and third parties and sets up the necessary amendment to have joint plans registered by those registered parties and joint parties when they are campaigning together. It clearly focuses mainly on suppressing the unions' ability to campaign with parties. The Opposition oppose clause 25 in its entirety, as I will come to later.

On amendment 74, we have just been talking about deadlines and dates and how, if there is confusion about who can campaign, there is confusion about what has to be registered financially and who that has to be registered with. Then there is a lot of red tape. On top of that, there is confusion about the dates and the period that we are in: is it an election time or not? That will all, jointly, have a huge suppression effect on campaigning, which is the lifeblood of our elections and our free and democratic society.

10.30 am

I therefore urge hon. Members to vote for amendment 74, which would limit regulated periods for UK parliamentary general elections to the period between the announcement of the election and the close of polls. Those are two clearly defined dates. Otherwise, we are in a hazy period of not knowing when elections are going to be and whether we are in an election time. It could be at any time.

The amendment will deal with the problems caused by both the passage of the Dissolution and Calling of Parliament Bill, meaning that future elections are more likely to be snap elections—unfortunately—and the proposals in this Bill regarding a strategy and policy statement for the Electoral Commission. That creates uncertainty around whether a Minister could direct the commission to interpret the law on regulated periods in such a way that would be punitive to organisations that campaign all year round on issues that may become political, regardless of whether it is known to be an election period or not.

Kemi Badenoch: Third party campaigners are subject to limits on their controlled expenditure in the periods leading up to parliamentary elections in the UK, including devolved elections. The time during which those spending limits apply are known as regulated periods and are 12 months long for UK parliamentary elections and four months long for the relevant parliamentary elections in Scotland, Wales and Northern Ireland. Regulated periods can be longer where they overlap. It is right that any campaign that could influence the electorate at an election should be regulated and subject to a spending limit. While significant amounts of spending might take place following the announcement of a poll, elections are often known, rumoured or expected to take place long before the poll date is announced and a Parliament is dissolved, which is the point that we are debating.

Brendan O'Hara: Can the Minister explain how the House can legislate on the basis of a rumour of when a general election might be? How is that any way to run a country?

Kemi Badenoch: That is not what we are legislating on; that is a statement of fact. Just as with every intervention the hon. Gentleman has made, it is a point we all acknowledge that while elections are at expected times, they can happen at different times: earlier or there may be snap elections, though rare. That does not change the fundamental point under discussion.

Opposition Members seem to be annoyed that there is a regulated spending period at all. I am afraid that that is not going to change. Campaigning and political activity, which can occur up to 12 months or more in advance of an election, may have a significant influence on its outcome. Having a short regulated period, as proposed by the amendment, would mean that spending, which does influence the electorate, is likely to fall away from being regulated and reported. That fatally undermines the principle of transparency and spending limits.

Cat Smith: On the point about transparency, does the Minister not recognise that the Government are not being transparent with charities or third party campaigners? How are they ever meant to know when the regulated spend period is kicking in when we do not have scheduled, regular general elections for the UK Parliament because of legislation we already passed a couple of months ago? Does the Minister agree that we are asking charities, which are blindfolded, to make decisions with no idea when an election will take place? The amendment is the only way we can treat all third party campaigners fairly and give them any sense of transparency. Can the Minister see that the Government are a little inconsistent on the point about transparency?

Kemi Badenoch: I do not think so at all. In the previous clause, we made the situation equal for everybody. The Opposition are talking as if there is a secret conspiracy where everybody knows, other than them, when an election is going to be called. We are applying the law equally to everybody. That is right and I am happy to continue making the argument.

Fleur Anderson: Will the Minister give way on the point about a conspiracy?

Kemi Badenoch: I have already given way multiple times and we need to proceed. There are other more important reasons why the amendment simply cannot pass.

Under the terms of the amendment, third party campaigners would be able to incur spending beyond their current limit, prior to the poll being officially set, and still be able to influence the electorate. That would give a potential advantage to those with access to greater funds, and thus also undermine the fundamental democratic principle that there should be a level playing field for all those taking part in elections. That would apply to all third party campaigners, whether on the Government's side or the Opposition's. That is the fairness about which the hon. Lady is talking. In addition, donations of third party campaigners are regulated only where they are used for controlled expenditure during a regulated period. That ensures that donations that are spent to influence the electorate in the period before an election come from permissible sources and are fully transparent. This is a regulated period amendment and we are not talking about charities.

A shorter regulated period would allow third party campaigners to accept and spend donations from potentially impermissible sources in the run-up to an election, and do so without being subject to transparency controls, as long as those donations were spent before the regulated period began. That risks unchecked money being used to influence the outcome of an election.

Cat Smith: Can the Minister confirm for the benefit of the charities that are watching our proceedings that we are not currently in a regulated spend period?

Kemi Badenoch: I have answered that question already.

The amendment, as drafted, does not achieve the aims set out in the accompanying explanatory memorandum. Although the memorandum suggests that the amendment would limit

> "regulated periods for UK Parliamentary General Elections to the period between the announcement of the election and the close of polls",

that is not correct. It makes changes to section 85 of the Political Parties, Elections and Referendums Act 2000, which provides a definition for what constitutes controlled expenditure, namely spending incurred by third party campaigners at relevant elections, not just UK parliamentary elections, which can be regulated. The amendment does not amend the length of the regulated period, but rather creates an additional time period over which controlled expenditure is regulated. That would cause confusion to third parties as to which time applies.

The amendment would also create disparity between the rules for third party campaigners and the controls on political parties, which would still have a twelve-month regulated period, known as the relevant period. The proposed change would therefore also have the effect of making regulated periods for UK parliamentary elections significantly shorter than those for the devolved Parliaments, whose regulated periods would remain at four months. The amendment therefore should not stand because it would undermine the principles of controls and transparency that are placed on election funding and spending, and it would create confusion and disparity.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 24]

AYES

Anderson, Fleur	O'Hara, Brendan
Furniss, Gill	Smith, Cat
Grady, Patrick	Smith, Nick

NOES

Badenoch, Kemi	Harris, Rebecca
Bell, Aaron	Kruger, Danny
Bristow, Paul	Mayhew, Jerome
Clarkson, Chris	Randall, Tom

Question accordingly negatived.

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: As I have already set out, spending limits are an integral part of the political finance framework. They ensure a level of fairness between parties and campaigners. Controls are already in place on the integrity of spending limits—for example, in the case of targeted spending where a cap is placed on third party spending to promote one political party, and joint campaigning, which applies where third party campaigners work together and must all report costs. It is right that where groups work together on a campaign the spending should be accounted for by anyone involved in it, otherwise groups could unfairly attempt to make use of multiple spending limits. Therefore, we are extending the principle of joint campaigning to cover scenarios where political parties and third party campaigners are actively working together on a campaign. That is very different from targeted spending, where a third party targets a political party with their spending, but they do not actually work together on a campaign. It will simply mean that where a political party and third party campaigner are incurring spending and actively campaigning together, the relevant spending for that joint campaign should be accounted for by all groups involved in the spending. That will help to ensure that campaigners are playing by the rules and make it much easier to know who was involved in such campaigns. Of course, it will not stop groups spending separately outside the joint plan in their capacity as an individually recognised third party or political party. Any regulated spending that is undertaken by an individual group and is not part of a joint campaign will need to be reported only by the group incurring the spend.

Furthermore, to create parity with the current rules on joint campaigning between third party campaigners, the requirement to specifically identify relevant spending and spending returns will also be applied to the existing rules on joint campaigning between more than one third party campaigner. It is absolutely right that the rules on transparency of joint campaigning should be as similar as possible across all types of campaigners, to ensure fairness and support compliance. Therefore, I urge that the clause stand part of the Bill.

Fleur Anderson: We oppose part 4 in its entirety. The Minister makes it sound very easy. Parties campaign together and write a joint plan. If they have been a part of it, they declare all the expenses. In practice, that involves a huge amount of red tape and burden, and it is absolutely disproportionate to the effect that the Government are trying to achieve with the Bill—transparency, integrity and freeing up our elections so that everyone can take part and we all know what is happening. There should absolutely be transparency, but there should not be an overly bureaucratic system that will actually suppress freedom of speech.

The clause is a deliberate attempt to silence the trade unions in particular, which is what I will focus on. It is all about the Conservatives rigging democracy in their favour, because they know full well that the clause will silence Labour-affiliated trade unions. It is totally out of step with what we see globally. Only four of the 57 member states of the Organisation for Security and Co-operation in Europe—the UK, the Czech Republic, Ireland and Slovakia—require third parties to register campaigning activity at election time. Clause 25 would change the joint campaign rules so that organisations campaigning jointly with political parties are collectively liable for the total campaign expenditure of all organisations. No matter what small part or supporting role an organisation might play, it has to declare the full total amount, which will take up all of its campaigning allowance. That will include the political party.

The 2021 report "Regulating Election Finance" by the Committee on Standards in Public Life says:

"When considering calls for greater regulation of non-party campaigning it is important to be mindful of the role of non-party campaigning in the broader ecosystem of democracy and pre-election debate. As the Committee made clear when it first concluded that spending limits for non-party campaigners would be necessary, there is nothing wrong with individuals and organisations sending out explicitly political messages in advance of and during election campaign—'On the contrary, a free society demands that they should be able to do so, indeed that they should be encouraged to do so.' The right to campaign is also protected by law through the right to freedom of expression. This should act as a check on ensuring that regulation strikes the right balance."

We contest that the Bill does not strike the right balance. Who can think of a political party that has strong historical links with external organisations working together—maybe around election time, and maybe for workers' rights across the whole country—and traditionally campaigning together as a movement for change? That's right: it is the trade unions. I hope that the Minister has talked to the trade unions about the Bill and understood the impact that it will have on trade union activity in all our constituencies, as well as across the country.

10.45 am

The national Trade Union and Labour Party Liaison Organisation is extremely concerned about the provisions in the clause. It has said that the clause

"brings in new measures on Political Parties campaigning jointly with non-party campaigners that will have a disproportionate impact on trade unions and the Labour Party. Rules already exist that strictly regulate joint campaigning between non-party campaigners. For example, if a group of unions are running a joint campaign that meets the public and purpose tests, then all the unions have to count the total expenditure on the campaign against their own spending limits—so even though the money has only been spent once, it would have to be declared multiple times."

It goes on:

"The Elections Bill extends this rule to joint campaigning between a Party and non-party campaigners. This would mean that where the Labour Party is campaigning jointly with trade unions, the total cost of the campaign would have to be declared

by both the Party and the participating unions, having the effect of reducing (potentially dramatically) the overall campaign…limit of the organisations."

That means dramatically reducing the amount of campaigning that can happen, which means reducing the voice of workers throughout the country, which means reducing the quality of our electoral campaigning and knowledge of voters before we go to campaign. It is completely unnecessary and does not need to be in the Bill. Trade union political expenditure is already highly regulated and additional regulations are in place for non-party campaigners who publicly advocate voting for a political party.

Let us be clear: this is the third attack on the political voice of trade unions. There is this trilogy of the lobbying Act, the gagging Act and the anti-trade union Act, and now there is this Act. The lobbying Act has already introduced new restrictions on non-party campaigners such as charities and trade unions campaigning together. At the moment, if trade unions run a joint campaign in the run-up to an election, each union must record the total expenditure of the joint campaign. Even though the money has been spent once, it has to be declared multiple times, eating up each organisation's campaign limits.

I have a principled opposition to that because I believe in free speech. I believe that organisations should be able to band together to campaign with one voice. I believe in movements. That is the strength of political activism. That battle was lost in the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, and we have seen the effects as organisations across the movement and the third sector have been cautious about campaigning together in solidarity. That chilling effect will definitely be the result of this clause.

Unions campaign widely on political, industrial, social and international issues. They campaign against the far right, too. Affiliated unions represent 3 million working people and their families, and they are entitled to an independent political voice, separate from that of the Labour party. It is a strength. All that independent political campaigning could be at risk if unions find themselves liable for campaign expenditure that has been incurred by the party. That risks curtailing the ability of affiliated trade unions to campaign in their own right on the issues and priorities that matter to their members. That could mean that when the Labour party campaigns with trade unions, the total cost of the campaign would have to be declared by the party, by all the participating unions and by supporting organisations and community groups.

Let us be clear: these rules are unnecessary. Trade union campaigning is the cleanest money in politics. *[Laughter.]* I fail to see why Government Members laugh about that. Unions are already regulated by the Electoral Commission and their certification officer, not to mention their being very accountable to their own highly democratic structures—it is highly transparent. There are even rules that mean that if a union campaign is overtly pro-Labour, it has to count towards the party's spending limit anyway. That is already the case.

This is not about fairness but about silencing the Government's critics and rigging the rules. This clause in particular is an assault on the UK's democratic tradition and a brazen attack on the ability of trade unions to speak out on behalf of the millions of working people they represent. I urge Government Members to think deeply about what they are doing to our democracy through the clause. If they are democrats, they will vote for our amendments and against this clause.

Patrick Grady: I want to speak briefly in solidarity with my Labour comrades. I was reminded during the hon. Lady's speech of the quote, often attributed to Margaret Mead, that is a favourite of many third sector organisations:

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."

Policy change cannot be effected without building a coalition. We cannot change direction and implement new legislation without bringing several diverse and disparate groups together to support that cause. That is why we have left the European Union: that was done reasonably successfully. We can ask about where some of that money came from, because we know where trade union money comes from; it comes from the members, by and large, and if people do not want their trade union membership fee to fund the Labour party—I have first-hand experience of this—they can opt out. Thatcher introduced that quite some time ago.

Historically, the Labour movement has that relationship with the trade unions, but there are unions or branches in Scotland that support either individual SNP candidates—the cause of independence—or at the very least Scotland's right to choose. Perhaps the Labour party would be in a slightly better position if it aligned itself with those enlightened trade unions.

The point made by the hon. Member for Putney, about the effect that the clause will have in restricting the ability of organisations to unite behind a common cause, is very concerning. How else will change be achieved? As I said earlier, the whole thing seems to be about putting up a block now—"We have reached some sort of status quo, and that should be the end of it." That is always the Conservative attitude—that Conservative government is, essentially, the end of history, that perfection has been achieved with their election and that nothing should change. It is not so much levelling up as levelling over—just pouring concrete on everything that might have gone before or anything that might pose a challenge to them, to try to stop it there. Labour Committee members are right to highlight the dangers of the clause, and we will be very happy to vote with them should they press the clause to a Division.

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 8, Noes 6.

Division No. 25]

AYES

Badenoch, Kemi	Harris, Rebecca
Bell, Aaron	Kruger, Danny
Bristow, Paul	Mayhew, Jerome
Clarkson, Chris	Randall, Tom

NOES

Anderson, Fleur	O'Hara, Brendan
Furniss, Gill	Smith, Cat
Grady, Patrick	Smith, Nick

Question accordingly agreed to.

Clause 25 ordered to stand part of the Bill.

Clause 26

DISQUALIFICATION ORDERS

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider that schedule 8 be the Eighth schedule to the Bill.

Kemi Badenoch: Clause 26 creates a new disqualification order for offenders who intimidate those who contribute to our public life. Political intimidation and abuse have no place in our society; they risk reducing political participation and corroding our democracy. To tackle the problem, the Committee on Standards in Public Life suggested that it would be appropriate to have specific electoral sanctions that reflect the threat posed by the intimidation of candidates and their supporters.

Based on the protecting the debate consultation, the Government committed to applying electoral sanctions to existing offences of intimidatory behaviour. That is precisely what the new disqualification order achieves. It is a five-year ban on standing for, holding, and being elected to public office. It can be imposed on those convicted of intimidating a candidate, elected office holder or campaigner. After all, it is simply not right that those who try to damage political participation through intimidation are allowed to participate in the very same process that they tried to undermine.

The disqualification order can be applied to a wide range of intimidatory criminal offences such as, but not limited to, stalking, harassment, common assault and threats to kill. For the disqualification order to be imposed, the intimidatory offence must be aggravated by hostility related to, for example, a candidate. That ensures that the disqualification is imposed only in instances where political participation is genuinely at risk.

The court that determines conviction for the intimidatory offence will also impose the disqualification order. Where the court is satisfied that the offence is aggravated by hostility, then it must impose the disqualification order, except where the court considers that there are particular circumstances that would make it unjust to do so. This sentencing model strikes the right balance between ensuring a sufficient deterrent against political intimidation, while maintaining the crucial role of the judiciary in determining the most appropriate penalty commensurate with the seriousness of the individual offence and in light of the specific circumstances of the offender.

The clause also gives effect to schedule 8, which lists the offences that, when committed by an offender with the necessary hostility, can trigger the imposition of a five-year disqualification order. There is no single offence of intimidation in criminal law, so the schedule lists a wide range of offences of an intimidatory nature in respect of which the new disqualification order can be imposed.

The list is based on a core list of offences suggested by the Committee on Standards in Public Life, such as common assault, harassment, stalking or sending communications with intent to cause distress and anxiety. Following public consultation, and engagement with key stakeholders such as the Crown Prosecution Service and the Electoral Commission, we have broadened the list to include four intimidatory offences.

It is important to cast our net widely in selecting intimidatory offences for the schedule; that will help to avoid a situation where a person commits an offence against a candidate with the clear intention of intimidating them but, because the offence is not included in the schedule, the new disqualification order cannot apply. That is why the clause should stand part of the Bill.

The Chair: I have agreed that the hon. Member for Lancaster and Fleetwood can make her remarks while seated.

Cat Smith: Thank you, Mr Pritchard. I welcome not just clause 26, but the whole of part 5 of the legislation. As shadow democracy Minister, I have had the unfortunate pleasure of having to take part in many debates about intimidation of candidates; I am sure all Members will be aware of some of the accounts.

We know that many of our colleagues are intimidated, and many candidates of our party have experienced intimidation and threats. It is devastating that we should be debating this clause so soon after the murder of our colleague, Sir David Amess, who was on the Panel of Chairs and chaired many debates on issues like this. I must be honest: I did not expect when I stood for election in 2015 that I would lose two colleagues to murder in such a short space of time. An attack on an MP, and an attack on a candidate, is an attack on democracy. The Opposition therefore welcome part 5 of the Bill.

I am making remarks about clauses 26 to 34 so that I do not have to bother for future clauses. My only concern is that some of the legislation does not go far enough. Many of the people who might go on to intimidate candidates, agents or campaigners might not be put off by the idea of not being able to stand for elected office for five years, because many of the people who commit these crimes are not interested in participating in our democratic processes—they are, in fact, opposed to the democratic process in its entirety.

As the Minister finds her feet in this new role, I would be very happy to open a dialogue with her to explore ways in which there might be a consensus across the House to ensure that our democracy, which we all take part in and support, can be strengthened so that we do not see the acts of violence and intimidation that we have seen in recent years deter good people from entering public life.

Question put and agreed to.

Clause 26 accordingly ordered to stand part of the Bill.

Schedule 8 agreed to.

Clause 27

VACATION OF OFFICE ETC

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: While those in public life are often the targets of intimidation and abuse, I regret to say that they can also be the perpetrators of intimidation and abuse. For example, it is possible that an MP or a local authority mayor or councillor will be sanctioned by the new intimidation disqualification order. They will be treated no differently from anybody else and will be disqualified from holding elected office.

[Kemi Badenoch]

The clause sets out the process by which the office holder's office is vacated; this is no more than three months after the officeholder receives the intimidation disqualification order. During the period prior to the office being vacated, the officeholder is suspended from performing the functions of their office. However, if the officeholder makes a successful appeal against their conviction or sentence before that three-month period ends, the office is not vacated and consequently they can resume their office.

The process strikes the correct balance between, on the one hand, the right of an offender to appeal and, on the other, the smooth vacation of office and a swift resolution. A swift resolution provides certainty for electors and ensures that there is an office holder in place who can discharge the responsibilities of that office. This is also consistent with the existing process for vacating office outlined in the Representation of the People Act 1983.

Question put and agreed to.

Clause 27 accordingly ordered to stand part of the Bill.

Clause 28

CANDIDATES ETC

11 am

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: The new disqualification order will be applied only when intimidatory offences are motivated by hostility towards certain groups of people. This clause defines the first group that requires this additional protection from abuse and intimidation. Candidates at any election, including candidates named on lists, will be protected by the new disqualification order. Future candidates—people whose intention to stand as a candidate has been declared, but whose formal candidacy has not yet begun—are also included in this clause. Substitutes and nominees who are expected to fill vacancies in Northern Ireland will also be protected by the new disqualification order. Candidates, future candidates, substitutes and nominees all play a vital role in participating in our democracy and standing for election. That is why they deserve the additional protection from intimidation provided by the new disqualification order, and it is why I commend this clause to the Committee.

Question put and agreed to.

Clause 28 accordingly ordered to stand part of the Bill.

Clause 29

HOLDERS OF RELEVANT ELECTIVE OFFICES

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: Clause 29 builds on the previous clause and sets out another group of people whom the new disqualification order will protect: holders of elected office, such as—but not limited to—MPs, councillors and mayors. Given the high-profile nature of their roles, elected officeholders are sadly all too often the targets of intimidatory, threatening, or abusive words or behaviour. We cannot allow intimidation to force those public servants to stand down from their offices or not stand for re-election. Banning those convicted of an intimidatory offence from standing for election and potentially standing against the very same people they abused is an important step. That is why I commend this clause to the Committee.

Question put and agreed to.

Clause 29 accordingly ordered to stand part of the Bill.

Clause 30

CAMPAIGNERS

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: The previous two clauses extended the protection of the new disqualification order to, broadly, candidates and elected officeholders. However, we must not stop there. Campaigners, from grassroots volunteers through to party employees, play a vital role in our democratic process, and the intimidation and abuse to which they are subject is abhorrent. Therefore, an intimidatory offence that is motivated by hostility towards campaigners can also trigger the new disqualification order.

Unlike candidates, there is no single definition of a campaigner. For the purpose of this clause, we have used a reasonably broad definition that includes individuals who are a recognised third party campaigner, an accredited campaigner for a recall petition or a permitted participant in a referendum, or who are involved in the management of a local referendum campaign. Individuals who are employed or engaged by the aforementioned people to carry out campaigning activities are also considered campaigners. This definition includes campaigners who undertake relevant campaigning activities at any time of year, not only during a specific election period, to reflect the fact that campaigning—particularly online campaigning—takes place outside of formal election periods. Unfortunately, intimidation and abuse also affects campaigners at any time of year, not only during election periods.

Anybody can potentially be a campaigner, including volunteers, and the disqualification order must protect campaigners from intimidation in the same way as it protects MPs. For that reason, I commend this clause to the Committee.

Question put and agreed to.

Clause 30 accordingly ordered to stand part of the Bill.

Clause 31

ELECTION ETC OF A PERSON TO THE HOUSE OF COMMONS WHO IS SUBJECT TO A DISQUALIFICATION ORDER

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: The new disqualification order, which we have already debated, disqualifies offenders from being elected to various offices. This clause ensures that this disqualification applies to the House of Commons. It specifies that if an offender who is subject to an intimidation disqualification order is elected to the House of Commons, their election will be void. Other relevant elected offices already have provisions that state that an

election will be void because of disqualification. The House of Commons has no such provision, and we therefore need to provide specifically for that possibility.

This clause is reasonably technical in nature, but it has an important role to play in ensuring that the new intimidation disqualification order works smoothly. I therefore commend it to the Committee.

Question put and agreed to.

Clause 31 accordingly ordered to stand part of the Bill.

Clause 32

POWER TO AMEND SCHEDULE 8

Patrick Grady: I beg to move amendment 92, in clause 32, page 44, line 12, leave out "may by" and insert

"must consult with such persons as the Minster considers appropriate before making".

This amendment empowers the Secretary of State to consult broadly before making regulations under clause 32 to amend Schedule 8.

The Chair: With this it will be convenient to discuss clause stand part.

Patrick Grady: This relatively technical amendment is based on the written evidence and suggested amendments submitted by the Law Society of Scotland, which I am sure Committee members are familiar with and have read in detail. Schedule 8 provides the list of offences that disqualify offenders for elected office, including offences under the law in Scotland, which in a lot of these areas is determined by the devolved Scottish Parliament, so we think it is pretty simple and appropriate that the clause places a duty on Ministers to "consult with" relevant persons as appropriate before making statutory instruments.

A lot of themes that have come up in the course of our deliberations are about the need for enhanced scrutiny and consultation. Indeed, the Minister strongly defended the role of consultation—as opposed to seeking consent from the devolved Assemblies, which we are not asking for in this amendment—in a debate on a previous clause. I look forward to her saying that the amendment would be overly bureaucratic and delay the process and therefore is not necessary.

Kemi Badenoch: I thank the hon. Gentleman for his comments. If he already knows what I am going to say, and if we have had this debate multiple times, it raises the question of why he chose to table the amendment. Nevertheless, I will speak to the clause and his amendment.

The purpose of clause 32 is to future-proof the new disqualification order so that it remains relevant and can continue to apply to offences of an intimidatory nature. For example, the nature of electoral campaigning is evolving as online campaigning increases in significance, which unfortunately means that the nature of intimidation and abuse is also evolving and shifting online. It is possible that new online intimidatory offences will be created. For example, a Law Commission report in July recommended the creation of a more modern harm-based communications offence. If this proposed offence became law, we might want to make it possible for the intimidation disqualification order to be imposed in relation to that offence where the necessary hostility was established. That is why the clause enables Ministers to add, amend or remove offences from the list of intimidatory offences in schedule 8. Any statutory instrument made using this power would be subject to the affirmative procedure.

Amendment 92 would require the Secretary of State to undertake a consultation with such persons as he considers appropriate before making use of the regulation-making powers to amend the list of intimidatory offences in schedule 8. This is not necessary, as the hon. Gentleman knew I would say. The Secretary of State will be able to seek and consider the views of such persons as he considers appropriate when relevant without the need for a legal requirement to do so—this is the normal business of government. As previously stated, the clause already requires that any statutory instrument laid using these powers will be subject to parliamentary scrutiny under the affirmative resolution procedure. This will ensure that Parliament can scrutinise and decide whether to accept any proposed changes to schedule 8. The Government will therefore not accept the amendment, as we believe that it is unnecessary. To ensure that the new disqualification order evolves in the same way that intimidatory behaviour and criminal offences evolve, the clause should stand part of the Bill.

Patrick Grady: I do not think that was a massive surprise. The Minister is right to say that it is important that the legislation is future-proofed. The Scottish Parliament has a proud record—as indeed does the Senedd Cymru—of being in advance of this place sometimes in terms of the legislation it has brought forward and the kinds of behaviour it has gone on to deem a criminal offence; in fact, a recent piece of hate crime legislation might well contain examples to add to the disqualifying offences in the Bill.

In an attempt to strike a note of consensus, I will take in good faith the Minister's commitment to monitor the development of legislation north and south of the border and that the consultations will happen. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 32 ordered to stand part of the Bill.

Clause 33

INTERPRETATION OF PART

Question proposed, That the clause stand part of the Bill.

Kemi Badenoch: The clause helps to interpret and clarify two terms that are used frequently in this part of the Bill. The first is "disqualification order", which refers to the new five-year intimidation disqualification set out in clause 26. The second is "relevant elective office". The list of offices determines the offices that an offender subject to the new disqualification order cannot stand for, be elected to or hold. It also determines the elected office holders who are protected by the new disqualification order.

Question put and agreed to.

Clause 33 accordingly ordered to stand part of the Bill.

Clause 34

MINOR AND CONSEQUENTIAL AMENDMENTS

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss that schedule 9 be the Ninth schedule to the Bill.

Kemi Badenoch: The clause gives effect to schedule 9, which contains minor and consequential amendments resulting from part 5 of the Bill.

The new intimidation disqualification order must be enforceable. Offenders who are banned from standing for election must be prevented from doing so. It is already a criminal offence, punishable by imprisonment, to provide false information on a candidate nomination form. All candidates must declare that they are not disqualified from being elected. That will be a sufficient deterrent for most offenders banned by the new disqualification order, but it is possible that some will try to stand for election regardless. That is why schedule 9 amends the rules for Northern Ireland, local and UK parliamentary elections. It provides returning officers with the power to hold a nomination paper invalid where a candidate is disqualified by virtue of the new intimidation disqualification order. Returning officers are only expected to hold nomination papers invalid where they are certain, based on information provided or otherwise available to the returning officer, that a candidate is disqualified.

Schedule 9 also makes minor changes to the process for vacating various elected offices and, by amending the Armed Forces Act 2006, allows the new disqualification order to be imposed by military courts on an offender who is subject to service law. Schedule 9 is important for the enforcement of the new disqualification order and for ensuring that the disqualification fits smoothly and consistently with all elected offices.

Question put and agreed to.

Clause 34 accordingly ordered to stand part of the Bill.

Schedule 9 agreed to.

Ordered, That further consideration be now adjourned.—*(Rebecca Harris.)*

11.13 am

Adjourned till this day at Two o'clock.