

Elections Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 7

LORD TRUE

Page 10, line 33, leave out “a local government election in Scotland or Wales” and insert “an election in Scotland or Wales under the local government Act”

Member’s explanatory statement

This amendment fixes a minor drafting issue in relation to references to local government elections.

Page 10, line 38, leave out “a local government election in England” and insert “an election in England under the local government Act”

Member’s explanatory statement

See the amendment in Lord True’s name at page 10, line 33.

Clause 8

LORD TRUE

Page 11, line 10, leave out “is guilty of undue influence if the person” and insert “(“P”) is guilty of undue influence if P”

Member’s explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True’s name at page 10, line 33.

Page 11, line 12, leave out “an elector or proxy for an elector” and insert “a person”

Member’s explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True’s name at page 10, line 33.

Page 11, line 19, leave out “an elector or proxy for an elector” and insert “a person”

Member’s explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True’s name at page 10, line 33.

Page 11, line 21, leave out “an elector or proxy for an elector” and insert “a person”

Member’s explanatory statement

This amendment makes a minor change to the terminology used in new section 114A of the Representation of the People Act 1983 (undue influence), consequent on the amendment in Lord True’s name at page 10, line 33.

Page 12, line 3, leave out “a local government election in Scotland or Wales” and insert “an election in Scotland or Wales under the local government Act”

Member’s explanatory statement

See the amendment in Lord True’s name at page 10, line 33.

Page 12, line 6, leave out “a local government election in Scotland or Wales” and insert “an election in Scotland or Wales under the local government Act”

Member’s explanatory statement

See the amendment in Lord True’s name at page 10, line 33.

Page 12, line 8, leave out “a local government election in Scotland or Wales” and insert “an election in Scotland or Wales under the local government Act”

Member’s explanatory statement

See the amendment in Lord True’s name at page 10, line 33.

Clause 19

LORD TRUE

Page 29, line 24, leave out “a local government election in Scotland or Wales” and insert “an election in Scotland or Wales under the local government Act”

Member’s explanatory statement

See the amendment in Lord True’s name at page 10, line 33.

Clause 20

LORD HODGSON OF ASTLEY ABBOTTS

Page 31, line 20, leave out “or paragraph 3(7) of Schedule 8A”

Member's explanatory statement

This amendment, which leaves out the reference to an order under paragraph 3(7) of Schedule 8A to the Political Parties, Elections and Referendums Act 2000 (in the inserted paragraph (aa) for section 156(3) of that Act), is consequential on the new Clause that Lord Hodgson is seeking to insert after Clause 27.

Clause 21

LORD TRUE

Page 31, line 30, leave out “a local government election in Wales” and insert “an election in Wales under the local government Act”

Member's explanatory statement

See the amendment in Lord True's name at page 10, line 33.

Clause 25

LORD HODGSON OF ASTLEY ABBOTTS

Page 35, leave out lines 27 to 35

Member's explanatory statement

This amendment, to leave out subsection (6) of the inserted section 89A of the Political Parties, Elections and Referendums Act 2000, is consequential on the new Clause that Lord Hodgson is seeking to insert after Clause 27.

Clause 26

LORD TRUE

Page 36, line 34, at end insert —

“(10) An order under subsection (9)(b) or (c) may be made only where the order gives effect to a recommendation of the Commission.”

Member's explanatory statement

This amendment makes the power to remove or vary entries in the list of categories of third party that may be recognised for the purposes of Part 6 of the Political Parties, Elections and Referendums Act 2000 exercisable only on the recommendation of the Electoral Commission.

After Clause 27

LORD HODGSON OF ASTLEY ABBOTTS

Insert the following new Clause —

“Code of practice on controls relating to third parties

(1) After section 100 of PPERA insert —

“Code of practice relating to controlled expenditure

100A Code of practice on controlled expenditure

(1) The Commission must prepare a code of practice about the operation of this Part in relation to a reserved regulated period.

(2) The code must in particular set out —

After Clause 27 - continued

- (a) guidance on the kinds of expenses which do, or do not, fall within Part 1 of Schedule 8A (qualifying expenses);
 - (b) guidance on determining whether the condition in section 85(2)(b) (promoting or procuring electoral success) is met in relation to expenditure;
 - (c) guidance on determining whether anything provided to or for the use of a third party falls to be dealt with in accordance with section 86 (notional controlled expenditure) or with section 95 and Schedule 11 (donations);
 - (d) examples of when expenditure falls to be dealt with in accordance with section 94(6) (expenditure of a third party in pursuance of an arrangement with one or more other third parties);
 - (e) guidance about the operation of sections 94D to 94H (targeted controlled expenditure).
- (3) The Commission may from time to time revise the code.
 - (4) In exercising their functions under this Part, the Commission must have regard to the code.
 - (5) It is a defence for a third party charged with an offence under any provision of this Part, where the offence relates to expenditure incurred or treated as incurred by a third party during a reserved regulated period, to show—
 - (a) that the code, in the form for the time being issued under section 100B, was complied with by the third party in determining whether the expenditure is controlled expenditure for the purposes of this Part, and
 - (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.
 - (6) In this section, “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections or general elections to the Northern Ireland Assembly).
 - (7) Section 100B sets out consultation and procedural requirements relating to the code or any revised code.

100B Code of practice: consultation and procedural requirements

- (1) The Commission must consult the following on a draft of a code under section 100A—
 - (a) the Speaker’s Committee;
 - (b) the Levelling Up, Housing and Communities Committee;
 - (c) such other persons as the Commission consider appropriate.
- (2) After the Commission have carried out the consultation required by subsection (1), they must—
 - (a) make whatever modifications to the draft code the Commission consider necessary in light of responses to the consultation, and
 - (b) submit the draft to the Secretary of State for approval by the Secretary of State.

After Clause 27 - continued

- (3) The Secretary of State may approve a draft code either without modifications or with such modifications as the Secretary of State may determine.
- (4) Once the Secretary of State has approved a draft code, the Secretary of State must lay before each House of Parliament a copy of the draft, whether—
 - (a) in its original form, or
 - (b) in a form which incorporates any modifications determined under subsection (3).
- (5) If the draft code incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of the Secretary of State's reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code.
- (7) Subsection (6) does not prevent a new draft code from being laid before Parliament.
- (8) If no resolution of the kind mentioned in subsection (6) is made within the 40-day period—
 - (a) the Secretary of State must issue the code in the form of the draft laid before Parliament,
 - (b) the Commission must arrange for the code to be published in such manner as they consider appropriate, and
 - (c) the code comes into force on such day as the Secretary of State may by order appoint.
- (9) References in this section (other than in subsection (1)) to a code or draft code include a revised code or draft revised code.
- (10) In this section, "the 40-day period", in relation to a draft code, means—
 - (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House, no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (11) If the name of the Levelling Up, Housing and Communities Committee is changed, the reference in subsection (1)(b) to that Committee is to be read (subject to subsection (12)) as a reference to the Committee by its new name.
- (12) If the functions of the Levelling Up, Housing and Communities Committee at the passing of this Act with respect to electoral matters (or functions corresponding substantially to such matters) become functions of a different committee of the House of Commons, the reference in subsection (1)(b) to that Committee is to be read as a reference to the committee which for the time being has those functions."

After Clause 27 - continued

- (2) In section 156 of PPERA (orders and regulations), in subsection (3), before paragraph (a) insert—
“(za) an order under section 100B(8);”.
- (3) In Schedule 8A to PPERA (controlled expenditure: qualifying expenses), in paragraph 3, after sub-paragraph (10) insert—
“(11) This paragraph does not apply in relation to expenses incurred during a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections or general elections to the Northern Ireland Assembly) (see sections 100A and 100B as regards expenses incurred during such a period).”

Member’s explanatory statement

This amendment would require the Electoral Commission to publish a code of practice on the operation of Part 6 of the Political Parties, Elections and Referendums Act 2000 (which deals with controlled expenditure of third parties). The code of practice would not apply for the purposes of elections to the Scottish Parliament or Senedd Cymru.

Clause 28

LORD TRUE

Leave out Clause 28

Member’s explanatory statement

This amendment would leave out Clause 28 (joint campaigning by registered parties and third parties).

After Clause 46

LORD HODGSON OF ASTLEY ABBOTTS

Insert the following new Clause—

“Disclosure of status as a recognised third party

- (1) Section 89 of PPERA (Register of notifications for purposes of section 88) is amended as follows.
- (2) At end of heading insert “and third party disclosure of registered status”.
- (3) After subsection (4) insert—
“(5) During a period in which a notification under section 88 is in effect and the Commission has entered details of the notification on the register in accordance with this section, a third party shall disclose its status as a recognised third party in a prominent place on the homepage of its website.
- (6) For the purposes of subsection (5), a reference to a third party's “website” means any part of a website relating to that third party which that third party has caused or authorised to appear.
- (7) Subsection (5) shall not apply where a third party does not have a website within the meaning of subsection (6).

After Clause 46 - continued

- (8) A person commits an offence if, without reasonable excuse, they contravene subsection (5).”

Member’s explanatory statement

This amendment requires registered non-party campaigners to disclose their status as such on a prominent place on their websites, so as to increase transparency for the public.

Schedule 5**LORD TRUE**

Page 113, line 14, leave out “115” and insert “114A”

Member’s explanatory statement

This amendment updates a reference to the provision in the Representation of the People Act 1983 relating to undue influence in parliamentary elections, in consequence of amendments made to Clause 8 during Committee stage.

Page 113, line 31, leave out “115” and insert “114A”

Member’s explanatory statement

See the explanatory note to the amendment in Lord True’s name at page 113, line 14.

Page 113, line 38, leave out “115” and insert “114A”

Member’s explanatory statement

See the explanatory note to the amendment in Lord True’s name at page 113, line 14.

Page 115, line 26, leave out “115” and insert “114A”

Member’s explanatory statement

See the explanatory note to the amendment in Lord True’s name at page 113, line 14.

Page 116, line 3, leave out “115” and insert “114A”

Member’s explanatory statement

See the explanatory note to the amendment in Lord True’s name at page 113, line 14.

Page 116, line 24, leave out “115” and insert “114A”

Member’s explanatory statement

See the explanatory note to the amendment in Lord True’s name at page 113, line 14.

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30 March 2022
