

Overview

Scottish Parliamentary election May 2021: Non-party campaigners

This document is for non-party
campaigners campaigning at the
Scottish Parliamentary election in May
2021

Forms you might need:

Campaign Expenditure report
Return of donations

Contents:

The regulated period

Spending limits

Reporting requirements

Key dates and events

Translations and other formats

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

Tel: 020 7271 0500

Email: publications@electoralcommission.org.uk

Terms and expressions we use

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

You do not have to follow this guidance, but if you do, you will normally be doing enough to comply with the law.

Our approach to enforcement

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

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

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

www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-enforcement-work

Scottish Parliamentary election May 2021: Non-party campaigners

This document explains:

The rules on campaign spending, donations and reporting requirements for non-party campaigners in the run-up to the Scottish Parliamentary election on 6 May 2021.

There will also be the following elections on 6 May 2021:

- Senedd elections
- Local elections in England
- Local and combined authority mayoral elections in England
- Police and Crime Commissioners in England and Wales
- Greater London Authority

For information about campaigning in these elections please see our website [here](#).

If you are undertaking campaigning in more than one part of the UK in 2021 you should read our guidance: [Attribution rules for non-party campaigners](#). The attribution rules explain how you must split and report your spending between the elections in Scotland and Wales.



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This document covers:

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

Related documents:

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

- [Overview of non-party campaigns](#)
- [Factsheet for non-party campaigners: Imprints at Scottish Parliamentary elections](#)
- [Registering as a non-party campaigner](#)
- [Managing non-party campaign spending](#)
- [Overview of regulated non-party campaigning](#)
- [Joint campaigning for non-party campaigners](#)
- [Situations and procedures: Attribution rules for non-party campaigners](#)

Forms you may need:

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

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Key guidance changes for May 2021

There are a number of changes to the guidance this year as a result of planned legislative changes.

The rules in this guidance reflect the law as we expect it to be at the start of the regulated period.

If the law does change, we will update the guidance and our website accordingly.

As well as the changes listed in the table below, the Scottish Government has updated the rules on imprints for candidates in Scottish Parliamentary elections to cover digital election material. You can find guidance on those rules [here](#).

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Issue	Change	Page
Dates for 2021	Regulated period	8
	Reporting after the election	24-26
Exemptions from the spending rules	Reasonable costs relating to translation are now exempt from the spending rules	10
Registration rules	<p>The rules on the types of entities that can register as a non-party campaigner is expected to change from 31 December 2020.</p> <p>These changes are reflected in the guidance. In the event that these rules change unexpectedly we will update our guidance and website accordingly.</p>	13-14
Donation rules	<p>The rules on accepting donations is expected to change from 31 December 2020.</p> <p>These changes are reflected in the guidance. In the event that these rules change unexpectedly we will update our guidance and website accordingly.</p>	21-22

Summary

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

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

This document sets out the PERA rules on the regulated periods, spending limits and reporting requirements in the run-up to the Scottish Parliamentary election in 2021.

Introduction

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

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

We have specific guidance for non-party campaigners who are campaigning in more than one part of the UK: [Situations and Procedures: Attribution rules for non-party campaigners](#)



We also have guidance for non-party campaigners campaigning in the following elections:

- [Senedd elections in Wales](#)

and factsheets for non-party campaigners campaigning locally in the following elections:

- [Local government elections in England](#)
- [Greater London Authority elections](#)
- [Police and Crime Commissioner elections in England and Wales](#)

The types of non-party campaigns

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

- **local campaigns:** non-party campaigns for or against one or more candidates in a particular constituency, ward or other electoral area.
- **general campaigns:** non-party campaigns for or against a political party, or particular categories of candidate, including campaigns on policies or issues closely associated with a particular party or category of candidates (for example, candidates in a certain age group).

You can find more information on the two types of campaigns in our guidance

[Overview of non-party campaigns](#)

Different rules apply to these two types of campaigns.

The rules on general campaigns apply to the following elections in 2021:

- the Scottish Parliament
- the Senedd

The rules on local campaigns also apply to **all** elections being held in the UK on 6 May 2021.

Who regulates campaigns?

Local campaigns

If you are campaigning for or against a **constituency or independent regional candidate** you have a spending limit of **£500**.

The spending limits and rules apply during the candidate regulated period. This starts on the day after the person you are campaigning for or against officially becomes a candidate, and finishes on polling day.

You can find more information about polling dates and when people become candidates on our [guidance page for candidates and agents](#).

You should keep a record of your spending, to make sure that you do not exceed the spending limit.

Any spending over these limits must be authorised by the agent of the relevant candidate. The authorised spending will count as candidate spending and towards the candidate's spending limit.

If authorisation is given, the agent will need to include your spending in the candidate spending return. You will need to give the agent the necessary details for that spending to be included.

If you spend more than the limit you must also complete a return and forward it to the Returning Officer within 21 days of the result being declared. The return for non-party campaigners can be found [here](#).

The Electoral Commission does not regulate local campaigning and complaints about breaches of the rules that apply to local campaigns should be made to the police.

General campaigns

General campaigns are regulated by the Electoral Commission.

If you are campaigning for or against political parties or categories of candidates, or policies or issues closely associated with a particular party or category of candidates (for example, candidates in a certain age group) you may need to register with us and follow the rules on campaign spending, donations and reporting.

This guidance covers the rules on general campaigning at the Scottish Parliamentary election in 2021.

The regulated period

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

Spending on regulated campaign activity is regulated in the run-up to the Scottish Parliamentary election. The regulated period for the Scottish Parliamentary election will start on **6 January 2021** and ends on **6 May 2021**.

It is possible that these dates may change if the poll is postponed due to the Covid-19 pandemic. We will issue an update on our website if there are any changes to these dates made by the Senedd.

What counts as regulated campaign spending?

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

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

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

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

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

Spending on any of these activities will be regulated if the activity can reasonably be regarded as intended to influence voters to vote for or against a political party, or categories of candidates, including campaigns on policies or issues closely

associated with a particular party or category of candidates. We call this 'regulated campaign spending'.

Exemption of translation costs

The Scottish Parliament has approved a new exemption for non-party campaigners for this Scottish Parliamentary election. Any reasonable costs relating to translating to another language from English will not count towards your spending limit.

For example, hiring a translator to translate campaign material from English into any other language.

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

Spending Limits

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

If you do not register, or are not eligible to register, you cannot spend more than **£10,000 in Scotland** during the regulated period on regulated campaign activity.

If you register with us, you will have a spending limit of **£75,800 in Scotland** during the regulated period.

It is possible that these limits are reviewed if the poll is postponed given the Covid-19 pandemic. We will issue an update on our website if there are any changes to these limits.



More information on applying to register as a non-party campaigner is available in our guidance:

[Registering as a non-party campaigner](#)

Attributing your spending

During the regulated period, there are spending limits for the different parts of the United Kingdom. Each part of the UK with a regulated period has a spending limit. You must stay within the spending limit for each part.

Part of the UK	Spending limit
Scotland	£75,800
Wales	£30,000

There are no elections in England in 2021 that are covered by the general campaign rules.

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

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

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

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

The attribution rules do not apply to unregistered non-party campaigners. However, you must register with us if you plan to spend more than **£10,000 in either Scotland or Wales**.

For information on attributing your spending please read our guidance: [Situation and Procedures Attribution rules for non-party campaigners](#).

 Important

Registering with us

Who can register?

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

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

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



Following the UK's exit from the European Union, UK-wide changes to the registration rules are expected at the end of 2020. These changes are reflected in this list.

Please see page 14 for more information.

For further information about registering as a non-party campaigner see:

[Situations and procedures: registering as a non-party campaigner](#)

Changes to registration rules



The UK government has changed the law on the types of entities that can register with us as a non-party campaigner. From 31 December 2020, the following entities can no longer register:

- companies incorporated in another EU member state
- individuals and organisations based in Gibraltar

These changes are reflected in this guidance.

It remains possible for the UK government to defer, revoke or change these new laws. Anyone proposing to carry out regulated campaign activity in the UK must make sure that they know the up to date position before spending more than the legal limit.

In the event that these rules change unexpectedly we will update our guidance and website accordingly. If you may be affected by these changes, please contact us for advice.

When you must register with us

If you are:

- spending on regulated campaign activity **and**
- you plan to spend, more than **£10,000 in Scotland** during the regulated period,

you must register with us as a non-party campaigner. You can find more information about registering with us in our guidance: [Registering as a non-party campaigner](#).

You can register with us at any time before or during the regulated period, but you **must** register with us **before** you spend **more than £10,000 in Scotland** on regulated campaign activity during a regulated period.

If you do not register, or you are not eligible to register, you cannot spend more than **£10,000 in Scotland** on regulated campaign activity during a regulated period.

If you think you may spend more than **£10,000 in Scotland**, you should keep records of your spending and donations in case you register later in the regulated period.

You do not need to register with us if you:

- are not spending money on regulated campaign activity, or
- spend less than £10,000 in Scotland during the regulated period, or
- are campaigning outside the regulated period

Only certain types of individuals or organisations can register as a non-party campaigner.

Although this guidance explains the rules for Scotland, you must register with us if you plan to spend more than £10,000 in either Scotland or Wales.

If you registered for the UK Parliamentary general election 2019

Your registration lasts for 15 months from the date on which you delivered a registration notification to us, but if it is due to expire during a regulated period it will be automatically extended until the end of that regulated period.

The regulated period for 2021 is 6 January until 6 May 2021 and you don't need to re-register if the anniversary of your registration falls during that regulated period, and you spend over **£10,000 in either Scotland or Wales** on regulated campaign activity at the Scottish Parliamentary or Senedd election in 2021. If you spent over **£10,000 in either Scotland or Wales** you will need to report your spending after these elections.

Your registration will lapse on polling day unless you renew your registration.

If you want to renew your registration, you can use [PEF online](#) or send us a [Form TP3](#) no sooner than one month prior to the 12 month anniversary of your original notification and no later than three months after that date. Your registration will expire if you do not submit your renewal to us during this time.

How to apply to become a registered non-party campaigner

If you want to register, you can make an online application by visiting [PEF Online](#). Alternatively, you can register by filling in [Form TP1](#) and sending a signed copy of the form to us by email. Given the Covid-19 pandemic, we encourage you to make an application online.

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

Your registration lasts for 15 months from the date on which you delivered a registration notification to us. This date is reflected on the [register of non-party campaigners](#)

What do you need to do after you have registered?

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

As an overview, you must:

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

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

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

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

Joint campaigns

If you work together with other non-party campaigners, this may affect the amount you have to spend towards the spending limit and whether you need to register as a non-party campaigner.

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

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

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

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

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

Donations

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

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

What is a donation?

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

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

and has a value of over £500.

Some examples of donations include:

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

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

What type of donations do the rules cover?

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

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

The rules do not cover:

- money that you receive towards spending that is not regulated. For example, leaflets you produce and use before the regulated period begins
- money given for unregulated campaign activity

You can find out more about donations in our guidance:

[Donations to non-party campaigners](#)

Who can you accept donations from?



Important

You must only accept donations from a permissible source.

A permissible source is:

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

You can also accept donations from some types of trusts. Please contact us for advice on how to confirm the permissibility of trusts.

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

Changes to permissibility rules



Important

The UK government has changed the law on who can donate to registered non-party campaigners. From 31 December 2020, donations can no longer be accepted from:

- companies incorporated in another EU member state
- individuals and organisations based in Gibraltar.

These donors remain permissible until this date. These changes are reflected in this guidance.

It remains possible for the UK government to defer, revoke or change these new laws. The responsible person must make sure that they know the up to date position before accepting donations that might be affected.

In the event that these rules change unexpectedly we will update our guidance and website accordingly.

For more information on donations, please see our guidance:

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

Reporting regulated campaign spending and donations

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

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

Reporting requirements for spending

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

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

Items given free of charge

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

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

More information on reporting your donations and spending to us after the election is available in our guidance on:

[Managing non-party campaign spending](#)

Notional spending with a value of more than £500 will also be a donation. You can find more information on donations in this document

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

Items given at a non-commercial discount

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

Reporting requirements for donations

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

After the election you must report:

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

Reporting requirements and deadlines after the election

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

It is possible that these dates may change if the poll is delayed due to the Covid-19 pandemic. We will issue an update on our website if there are any changes to these dates made by the Scottish Parliament.

Time limits for receiving and paying invoices

There are time limits by which the responsible person:

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

must receive and pay all invoices for your campaign spending.

You must receive all invoices on or before **7 June 2021**.

You must pay all invoices on or before **5 July 2021**.

Reporting spending and donations

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

The deadline for reporting your campaign spending and donations is **Friday 6 August 2021**.

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

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

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

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

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

Key dates and events

The table shows the key dates and events for non-party campaigners at the Scottish Parliament election in 2021.

It is possible that these dates may change if the poll is postponed due to the Covid-19 pandemic. We will issue an update on our website if there are any changes to these dates made by the Scottish Parliament.

Event	Date	Action
Regulated period begins	6 January 2021	Ensure you have systems in place to record all your spending
Polling day and end of Regulated Period	6 May 2021	
Deadline to receive invoices	7 June 2021	Make sure you have received all your invoices on or before this date
Deadline to pay invoices	5 July 2021	Make sure you have paid all your invoices on or before this date
Deadline for submitting your spending return	6 August 2021	You must submit your spending return to us by this date

How we can help:

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

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

Visit us at www.electoralcommission.org.uk

Email us at:

- Scotland: infoscotland@electoralcommission.org.uk
- General: pef@electoralcommission.org.uk

Call us on: 0333 103 1928

We welcome feedback on our guidance – just email us at: pef@electoralcommission.org.uk