

POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000

EXPLANATORY NOTES

BACKGROUND

Overview of the Neill Committee report and the Government's response

The role of political parties

17. Electoral procedures are described in considerable detail in legislation. The principal legislation is the Representation of the People Act 1983 together with regulations made under that Act. The 1983 Act is a consolidation of legislation dating back to the nineteenth century. Its general thrust, and a good deal of the detail, date from 1883. The legislation contains extensive provisions concerning candidates' election expenses. These provisions limit the maximum levels of expenditure by or on behalf of candidates at parliamentary elections and require detailed returns to be delivered to the returning officer. They also control, very tightly, expenditure by "third parties" (that is, people or organisations other than candidates) who wish to issue material which bears on a particular person's candidature. But there is currently no legislation or other legal requirement relating to the funding of political parties generally. Nor is there any limit on the expenditure which political parties may incur in connection with elections otherwise than on behalf of candidates in constituencies. The 1983 Act simply does not recognise the role of political parties in elections.
18. The situation now is very different from what it was in 1883. The political parties, operating at national level, play a much larger role. It is the national party as well as the local organisation which assumes the responsibility for getting its candidates elected. Above all, spending by or on behalf of candidates now forms only a proportion of what a party spends on contesting an election. Restrictions on candidates' expenses at a constituency level no longer serve as an effective control of what the political parties as a whole spend on fighting elections.
19. The Neill Committee's report addressed this point by recommending limits on what political parties can spend in connection with elections, additional to the amounts spent by or on behalf of candidates themselves. To enforce this control, they proposed a detailed set of requirements, along similar lines to those already in operation at constituency level, on the political parties.