

# **Requirements for imprints on election material – alterations to be made to Political Parties, Elections and Referendums Act 2000**

**Response to Consultation**

CP(R) 09/05

**27/03/2006**

**Response to consultation carried out by the Department  
for Constitutional Affairs.**

## Contents

Introduction	3
Background	4
Summary of responses	6
Responses to Specific Questions	7
Conclusion and Next Steps	11
Consultation Co-ordinator contact details	13
The Consultation Criteria	14
Annex A – List of Respondents	15

---



## Introduction

This document is the post-consultation report for the consultation paper, “Requirements for imprints on election material – alterations to be made to Political Parties, Elections and Referendums Act 2000”.

It will cover:

- the background to the report;
- a summary of the responses to the report;
- a detailed response to the specific questions raised in the report; and
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **James Coughlan** at the address below:

**Electoral Policy Division**  
**Department for Constitutional Affairs**  
**6<sup>th</sup> Floor, Selborne House**  
**54-60 Victoria Street**  
**London**  
**SW1E 6QW**

**Telephone: 020 7210 8238**

**Email: [james.coughlan@dca.gsi.gov.uk](mailto:james.coughlan@dca.gsi.gov.uk)**

This report is also available on the Department’s website at: [www.dca.gov.uk](http://www.dca.gov.uk)

## Background

The consultation paper 'Requirements for imprints on election material' was published on 17 March 2005. It invited comments on proposed changes to the requirements for Imprints on election material - alterations to be made to the Political Parties, Elections and Referendums Act 2000 (PPERA).

The Political Parties, Elections and Referendums Act 2000 (PPERA) contained new provisions for imprints on election material. Previously, the Representation of the People Act 1983 (RPA 1983) required material promoting or procuring the election of a candidate to include an imprint detailing the name and address of the printer and publisher of the material. However, there was no such equivalent requirement with regard to election material issued centrally by the political parties. Consequently, PPERA introduced these requirements for national election material.

PPERA also substituted a new section 110 of the RPA 1983 so that "publisher" was replaced with "promoter" and also the name of the person on behalf of whom the material was published - ie the candidate or third party - was to be included. Identical terminology is also used for the new provisions in section 143 of PPERA relating to national material.

The new provisions were brought into force on 16 February 2001. However, all of the main political parties found themselves unable to sensibly comply fully with the new requirement. This was mainly because the new requirement would mean that large quantities of material already printed in advance of the forthcoming General Election of 2001 would need to be abandoned.

Therefore, the Elections Publications Act 2001 (EPA), which gained Royal Assent on 10 April 2001, was brought in to undo section 143 and paragraph 14 of Schedule 18 of PPERA by deeming both provisions not to have commenced. The EPA also contained an order-making power which would enable both provisions to be brought back into force when appropriate.

The paper considered when and how it would be appropriate to introduce the three-part imprint. Reintroduction of the PPERA provisions in their current form would have appeared to mean that for elections which have a list of candidates, such as European Parliamentary Elections, election material imprints would need to list all candidates on a political party's list. However, to have the full list of names

could be impracticable, as there can be anything up to ten candidates on a party's list. It is also the case that in European Parliamentary Elections it is the *party* rather than the individual candidates that make up the list that is voted for and therefore it is logical that in this case the name of only the political party should be permissible without the need to list all the candidates. The consultation paper considered whether this amendment should be made.

The consultation paper was sent to political parties and other interested bodies and also posted on the DCA website to canvas views on the proposed changes. The two proposals as set out in the consultation paper were:

- To change the imprint requirements so that the "promoter" shall be deemed to be the person *or registered political party where there is more than one candidate per registered political party*.
- To re-enact the relevant parts (section 143 and paragraph 14 of schedule 18) of the Political Parties, Elections and Referendums Act 2000 (amended as, necessary, to achieve the above) suspended by the EPA. It is not proposed that the re-enacted provisions will extend to any elections to bodies or organisations other than those provided for in PPERA and the RPA.

The Consultation period closed on 20 April 2005 and this report summarises the responses, including how the consultation process influenced the further development and final shape of the provisions included in the Electoral Administration Bill.

A list of respondents is at Annex A.

## Summary of responses

1. A total of eight responses to the consultation paper were received. Of these three were from political parties and five from others. These were carefully considered and informed the drafting of provisions which now form part of the Electoral Administration Bill.
2. The responses were analysed for the level of support or reservation expressed for the proposed changes to imprint requirements, in particular issues of practicability and timing.
3. The responses to the consultation paper were broadly supportive of the proposals.

## Responses to Specific Questions

### **Question 1 – Could you please comment upon the proposal to bring into force the Political Parties, Elections and Referendums Act 2000's provisions regarding imprints on election material?**

The proposal to bring into force solely the Political Parties, Elections and Referendums Act 2000's requirements regarding imprints on election material was welcomed by all respondents, subject to sufficient prior notice. Below is a representative example of the responses received:

*"I see no reason to delay the implementation of the PPERA provisions..."*

*John Bennett, Head of Assembly Support, Greater London Authority*

### **Question 2 – Could you please comment upon the proposed change to allow the political party's name to be substituted for a list of candidates in the case of there being more than one candidate per party per election?**

The responses to this question highlighted an unclear area of electoral law. It was pointed out that the Interpretation Act 1978 allows for political parties to be named in an imprint, as well as the candidates, as the parties meet the category of legal 'person'. However, the opinion that legal clarity was needed with regard to the imprint requirements was generally expressed as was a general agreement to the government proposal:

*"..we agree that this is an appropriate way forward."*

*Gavin Barwell, Registered Treasurer, Conservative Party*

---

*"In principle the Commission agrees with the aim of allowing a party's name to be substituted for a list of candidates in instances where materials are promoting a*

*party list. The requirement to list the names and addresses of all candidates is, as the consultation paper suggests, both unnecessary and impractical.”*

*The Electoral Commission*

**Other issues regarding imprints highlighted by the consultation:**

**Permissibility of PO (Post Office) boxes when used alone as addresses**

*“We are however as a party in principle against the use of PO Boxes. We feel strongly that this limits an individual's ability to trace and contact the publisher or promoter of a party's or individual candidate's election material. We are aware that PO Box numbers are traceable through the Royal Mail Website however we consider this to be an unnecessary impediment to the ability of members of the public tracing the origin of an election document. When the DCA brings forward the bill to regularise imprints we would urge that the use of PO Boxes as a publication or promotion Address in relation to election material be banned.”*

*Gavin Barwell, Registered Treasurer, The Conservative Party*

*“We do not accept that PO Boxes are legitimate addresses for RPA or PPERA purposes. Where "address" is not further defined it should be taken to refer to a physical place where a person can be found during the campaign, and not simply a postal address at which documents can be served and other contact made in a roundabout way. This is particularly important in the context of elections, which are inherently public events. As this is not clear from the Act then we would support an amendment in any future reform bill expressly excluding the use of PO Box addresses in election material.”*

*Andrew Roberts, Constitutional and Legal Unit, The Labour Party*

PO Boxes are ultimately traceable via the Royal Mail. The only exception would be when the police have provided a letter to the Royal Mail stating that the person has

reason to fear for their safety. In this case the address could still be traced through the courts. PO Boxes are permitted in other areas of electoral law, such as for the registration of political parties.

It is arguable that the smaller parties, in particular those not in the mainstream, would find any change difficult as there could be issues relating to their security. Related to this are cost implications if a party address is required but no member of the party felt able to have their home address in the public domain. If this were the requirement then letter drops, which usually use PO box numbers, would no longer be usable and the smaller parties would need to acquire premises, which may not be affordable. The government wishes to encourage political participation and feels that continuing to allow the use of PO Boxes is of benefit. It does not propose any changes.

**The extension of *imprints* to electronic media, for example web pages, email messages, messages sent to mobile phones and any interactive Digital TV information pages**

*“In our 2003 review of online election campaign activities, the Commission considered the issue of accountability and transparency online. We noted that, at present, there is no requirement for online election campaign material to include any form of imprint giving information to identify those responsible for producing the material. This is in contrast to the requirements currently applied to printed campaign material, and those that would be applied under the new section 110 of the RPA 1983.*

*We also noted that Section 143 of PPERA and the new section 110 of the RPA 1983 would also provide the Secretary of State with powers to introduce, after consultation with The Electoral Commission, regulations applying imprint requirements to ‘other material’ which is not a printed document.*

*We suggested that, while campaigners should be free to publicise their messages online without third-party censorship or excessive regulation, any regulation deemed necessary should be applied consistently across all nonbroadcast media. Although we recognised the generally positive relationship between voters and campaigners online, we noted the need to maintain voters’ trust in online campaign material.”*

*The Electoral Commission*

As the government said in its response to the Electoral Commission's report *Voting for Change*, it recognises the importance of proper accountability. However, the fast-moving nature of the e-media would make workable and enforceable legislation for imprints on e-media impossible at this time. While it is undoubtedly something to address it will not be possible to do so before reintroduction of section 143 of the Political Parties, Elections and Referendums Act 2000.

#### **The requirement to list printer's details on election material**

*"In view of the need for transparency as to the source of material's content it is logical that the imprint should contain the name of the promoter (or authoriser) of the material and the person/s on whose behalf it has been produced. We do not however consider that the inclusion of the name and address of the printer contributes to the accountability of the materials, as responsibility for content lies with the promoter of the material, not the printer."*

*The Electoral Commission*

The requirement to include the printer's details on the imprint exists so that the provenance of the material can be traced. If this requirement were to be removed there would be a loss of transparency. It is not proposed to amend this. It is also the case that under the Newspapers, Printers, and Reading Rooms Repeal Act 1869 "any paper or book whatsoever which shall be meant to be published or dispersed" is required to have the name and address of the printers on it.

## Conclusion and Next Steps

1. There was a general welcome from respondents to the proposed re-introduction of the PPERA imprint requirements and for the proposal to allow a political party's name to be substituted for a list of candidates in the case of there being more than one candidate per party per election. The proposal that election material is not required to include details of all the candidates on the party list in any election with more than one candidate per registered political party also received general approval. As a result, the Electoral Administration Bill as introduced to the House of Commons stated that the promoter of the material in closed list elections is not required to include details of all party candidates.
2. During passage of the Bill through the House of Commons an important point of concern was raised. Members of Parliament highlighted situations other than elections using party lists where a number of candidates' names may be included on one piece of election material thus presenting the same problems of practicability as previously identified with closed list elections. An example would be a leaflet promoting a number of candidates in a local authority election, which could be up to 60 names all of whom would be required to list their details individually under the current provisions. The government has amended the original proposal to cater for such a situation.
3. Therefore the proposals are now:
  - To amend section 143 of PPERA (by means of the Electoral Administration Bill) to make it permissible that where election material is aimed at promoting, procuring or enhancing the election of more than one candidate in any relevant election (ie those in section 22(5) of the Political Parties Elections and Referendums Act 2000) the name of the party for whom those candidates are standing will be sufficient to fulfil the requirements of section 143(2) (c) of the Political Parties Elections and Referendums Act 2000.
  - To repeal in due course the EPA therefore bringing into force solely the imprint requirements as set out in the amended section 143 of PPERA, and those for locally produced material in section 110 of the RPA 1983, which was amended by PPERA.

- The Government will liaise with political parties and The Electoral Commission once the Bill receives Royal Assent about when the new provisions should commence.

## **Consultation Co-ordinator contact details**

If you have any complaints or comments about the **consultation process** rather than about the topic covered by this paper, you should contact the Department for Constitutional Affairs Consultation Co-ordinator, Laurence Fiddler, on 020 7210 2622 or email him at [consultation@dca.gsi.gov.uk](mailto:consultation@dca.gsi.gov.uk)

Alternatively, you may wish to write to the address below:

**Laurence Fiddler**  
**Consultation Co-ordinator**  
**Department for Constitutional Affairs**  
**5<sup>th</sup> Floor Selborne House**  
**54-60 Victoria Street**  
**London**  
**SW1E 6QW**

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given on page 3.

## The Consultation Criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

**These criteria must be reproduced within all consultation documents.**

## **Annex A – List of Respondents**

Gavin Barwell, The Conservative Party

The Electoral Commission

John Bennett, Greater London Assembly

Andrew Roberts, The Labour Party

Michael Paul Clancy, The Law Society of Scotland

Frank Cuthbert, National Assembly for Wales

Heather Aitken, The Scottish Executive

Andrew G Smith, UK Independence Party

© Crown copyright  
Produced by DCA Corporate Communications  
March 2006  
DCA CP(R) 09/05