



Purdah, or the pre-election period

Standard Note: SN/PC/05262

Last updated: 4 January 2010

Author: Oonagh Gay and Isobel White

Section Parliament and Constitution Centre

The period of time from when an election is announced until after the election is held has been known as 'purdah' but is now more often referred to as the pre-election period.

Guidance has been issued to civil servants before general and local elections, and to local authorities on their activities during the period before local elections. The general election guidance advises that decisions on matters of policy on which a new Government might be expected to want the opportunity to take a different view from the present Government should be postponed until after the election, provided that such postponement would not be detrimental to the national interest or wasteful of public money.

For local elections, separate guidance advises that particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial announcements which could have a bearing on matters relevant to the devolved or local elections. In some cases it may be better to defer an announcement until after the elections but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome. There is statutory guidance for local authorities about publicity during the purdah period just before local elections. The *Code of Recommended Practice on Local Authority Publicity* is issued under section 4 of the *Local Government Act 1986*. Devolved executives also issued their own guidance in 2007.

Contents

| | | |
|----------|--|----------|
| 1 | Background | 2 |
| 2 | Guidance for civil servants | 2 |
| 3 | Guidance for local authorities | 3 |
| 4 | Scottish Parliament and National Assembly for Wales | 4 |

This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as being up to date; the law or policies may have changed since it was last updated; and it should not be relied upon as legal or professional advice or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.

This information is provided subject to [our general terms and conditions](#) which are available online or may be provided on request in hard copy. Authors are available to discuss the content of this briefing with Members and their staff, but not with the general public.

1 Background

The period of time from when an election is announced until after the election is held has been known as 'purdah' but is now more often referred to as the pre-election period.

Guidance has been issued to civil servants before general and local elections, and to local authorities on their activities during the period before local elections. Guidance for the 2010 general election can be expected shortly.

2 Guidance for civil servants

The Cabinet Office issues guidance for civil servants in UK departments on their role and conduct during election campaigns. This is available on the Cabinet office website.¹ Separate guidance is issued to civil servants (including special advisers) employed in the Northern Ireland Office and Departments, the Scottish Executive and the National Assembly for Wales. The guidance published for civil servants before the 2007 local and devolved assembly elections is on the website and also the guidance published before the 2005 general election.²

The preface to the general election guidance states:

2. During an Election campaign, the Government retains its responsibility to govern, and Ministers remain in charge of their Departments. Essential business must be carried on. However, it is customary for Ministers to observe discretion in initiating any new action of a continuing or long-term character. Decisions on matters of policy on which a new Government might be expected to want the opportunity to take a different view from the present Government should be postponed until after the Election, provided that such postponement would not be detrimental to the national interest or wasteful of public money.³

The following extracts from the guidance for civil servants before the local elections in 2008 are also relevant:

General Principles

5. The following general principles should be observed by all civil servants, including special advisers:

a) particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial announcements which could have a bearing on matters relevant to the local elections. In some cases it may be better to defer an announcement until after the elections but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome – each case should be considered on its merits;

b) similar care should be taken over announcement of decisions made at official level;

c) special care should be taken in respect of paid publicity campaigns which should not be open to criticism that they are being undertaken for party political purposes;

d) officials should not be asked to provide new arguments for use in election campaign debates.

¹ http://www.cabinetoffice.gov.uk/propriety_and_ethics/civil_service/election_guidance.aspx

² http://www.cabinetoffice.gov.uk/media/cabinetoffice/propriety_and_ethics/assets/electguide.pdf

³ Ibid, preface

And:

Announcements

12. Similarly, announcements on non-devolved matters could have a bearing on the devolved Administration elections, and national announcements may have a particular impact on local areas. Ministers will wish to be aware of the potential sensitivities in this regard and might decide, on advice, to postpone making certain announcements until after the elections. Obviously this needs to be balanced carefully against any implication that deferral could itself influence the political outcome. Each case should be considered on its merits. Again, in cases of doubt further advice should be sought from the Propriety and Ethics Team in the Cabinet Office on 020 7276 2471/2472.⁴

The detailed advice issued for the 2005 general election noted how constituency correspondence from former MPs should be answered carefully, noting that it would be essential to avoid individual cases becoming party political issues. There is specific advice for special advisers, which warns that advisers who wish to accompany their Ministers in the General Election campaign or help in a party headquarters or research unit must first resign their appointments.

3 Guidance for local authorities

The period just before local elections when there are restrictions on local authority publicity and rules concerning media reporting of the election campaign, the so-called 'purdah' period, is defined as beginning with the last date for publication of notice of the election. This year the last date for the publication of notice of election for the local elections is Thursday 27 March 2008; the restrictions outlined below will then apply.

There is statutory guidance for local authorities about publicity during the purdah period just before local elections. The *Code of Recommended Practice on Local Authority Publicity* is issued under section 4 of the *Local Government Act 1986* and local authorities must have regard to it. The Code, which was amended in 2001 by means of an Annex, can be found on the Department for Communities and Local Government website.⁵

The following section is of particular relevance:-

Elections, referendums and petitions

41. The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election.

⁴ Elections in England and Wales: Guidance to civil servants issued to civil servants 20 March 2008, available from http://www.cabinetoffice.gov.uk/propriety_and_ethics/civil_service/election_guidance.aspx

⁵ <http://www.communities.gov.uk/documents/localgovernment/pdf/155067.pdf>

4 Scottish Parliament and National Assembly for Wales

The Scottish Executive issued guidance about the role and conduct of people working in the Scottish Executive, its Agencies and Associated Departments, and Non-Departmental Public Bodies (NDPBs) during the election period which began on 3 April 2007. The general principles are reproduced below:

3. During the Scottish Parliament election campaign the Scottish Executive retains its responsibility to govern and Ministers remain Ministers and in charge of their departments. Essential business must be carried on. However, you can expect Ministers to observe discretion in initiating any new action of a continuing or long-term character. Decisions on matters of policy, on which a new administration might be expected to want the opportunity to take a different view from the current administration, are expected to be postponed until after the election, provided that such postponement would not be detrimental to Scotland's interest or wasteful of public resources. You can also expect Ministers to be largely engaged in the election campaign and therefore not want to be asked to make decisions on issues during the election period unless it is essential that they should do so.⁶

The situation in Wales is slightly different: the National Assembly for Wales (NAW) was not dissolved in advance of the election on 3 May 2007. Members remained Members until midnight on 2 May 2007. However, the National Assembly of Wales did not meet in plenary session after 31 March 2007 and its committees did not meet after that date either. Advice for staff in the Assembly Parliamentary Service was published on the NAW's intranet site.

The UK general election guidance for 2005 noted that the Scottish Executive and National Assembly for Wales had issued their own guidance, reinforcing the need for political impartiality to avoid accusations that public resources were being used for party political purposes.⁷

⁶ <http://www.scotland.gov.uk/Publications/2007/02/election-guidance2007>

⁷ Guidance Note L in http://www.cabinetoffice.gov.uk/media/cabinetoffice/propriety_and_ethics/assets/electguide.pdf. The 2005 guidance for Scottish Executive civil servants is available at <http://www.scotland.gov.uk/Publications/2005/04/05122029/20302>. This was replaced in 2008 by: <http://www.scotland.gov.uk/Publications/2008/07/uk-election-guidance>