

PRESS SUMMARY

Date: 12/11/2019

Before :

LORD JUSTICE UNDERHILL
(Vice-President of the Court of Appeal (Civil Division))
LORD JUSTICE SINGH
and
LADY JUSTICE NICOLA DAVIES

Between :

VOTE LEAVE LTD

Appellant

- and -

THE ELECTORAL COMMISSION

Respondent

NOTE: This summary is provided to assist in understanding the Court of Appeal’s decision in this case.

It does not form part of the reasons for the decision. The full judgments of the court are the only authoritative reasons for the decision. Judgments are public documents and are available at:

<https://www.judiciary.uk/judgments/> and <http://www.bailii.org/>

1. On 17 July 2018 the Electoral Commission fined Vote Leave Ltd (“VL”), which was the designated lead campaigner for the leave outcome in the EU referendum, a total of £61,000 for breaches of the rules about the financing of the campaign and the returns that are required to be made: the breaches concerned payments made to a data analysis firm called AIQ. At the same time it published a report about the investigation (covering also related offences which it found had been committed by two other leave campaigners). VL initially appealed against the fines but it later withdrew its appeal.
2. This appeal is not concerned with whether VL was guilty of the offences for which it was fined but with the separate question of whether the Commission was entitled to publish the report. It is VL’s case that the governing statute (the Political Parties, Elections and Referendums Act 2000) does not confer any power on the Commission to publish a report of this kind.
3. By its judgment the Court of Appeal upholds the decision of the High Court that the Electoral Commission has power to publish reports of its investigations where it believes that to do so is in the public interest.

4. Although they have a common background, these proceedings are separate from the case, also involving VL, in which a challenge was raised to the decision by the Commission not to investigate different alleged breaches arising out of the payments to AIQ. That challenge initially succeeded in the High Court but was dismissed by the Court of Appeal in September (*R (Good Law Project) v Electoral Commission* [2019] EWCA Civ 1567).