

Dirk Hazell
Leader
4 Freedoms Party (UK EPP)
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Sent by email: dirkhazell@ukepp.eu

20 January 2015

Dear Mr Hazell,

European Parliamentary Elections 2014 and status of your party

I refer to your email to me of 14 January 2015 and two letters of 19 January 2015, one to the Chair of the Commission and the other to me.

The Commission's has written to your party on or related to the matters you raise on 27 October 2014, 22 December 2014, and 7, 9 and 14 January 2015. Your latest correspondence does not raise new matters that have not been considered in responding to you previously.

As advised in the letter to you of 14 January:

We remain satisfied that the Commission has responded appropriately, explained the reasons for its decision on party registration, and that such has been taken in accordance with proper procedure. We do not propose to enter into continuing lengthy correspondence. The Commission is meeting its statutory responsibilities in accordance with the legislation. As advised, it is open for your party to make application to register a party name that meets the legal criteria for registration by the Commission, and so enable candidates to appear on ballot papers under party identifiers. We hope you will submit a variation of the party name that we can consider and approve for registration, and have referred you to our published guidance documents applicable to all parties. If a meeting would assist you

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towards submitting a party name for consideration by the Commission, we can arrange this.

Your party has been informed of the relevant statutory powers and how the Commission has applied such in relation to your party name registration. For avoidance of doubt, the Commission is required by Sections 28, 28A and 29 of the Political Parties Elections and Referendums Act 2000 to grant properly made applications to register party names, descriptions and emblems, unless in the opinion of the Commission they fall into one or more categories defined in statute. The Commission has no discretion to grant an application if in the Commission's opinion it falls into one or more of these categories. The categories include proposed names and descriptions which, in the Commission's opinion would be likely to result to mislead or confuse voters as to the effect of their vote.

The Commission in its correspondence has informed the party that it had conducted a review of party identity marks (party names, descriptions and emblems) on the registers of political parties in light of the requirements of the law. As we explained, the review identified that your party name was likely to mislead or confuse voters as to the effect of their vote.

The Commission does not agree with your concerns, and considers your party has been and is being treated no different to any other party. The Commission is not stopping your party using its current branding as it may wish in any way or forum save that it cannot be used on ballot papers as the party name has been removed from the register for reason of not meeting the statutory criteria for registration. However, as we have explained to address this your party can no doubt if it wishes apply for and obtain approval for a varied or alternative registered party name. Equally we can discuss with you party descriptions and emblem that if applied for would likely meet the statutory criteria for registration.

Your letter to me of 19 January, suggests your party might (although reserving your rights) apply to the Commission for the party name 'All Freedoms: UK EPP'. Regrettably that proposal is unlikely to be approved by the Commission for reasons that on ballot papers, the unexplained and not in the opinion of the Commission sufficiently familiar to UK voters acronym 'EPP' being part of the name is likely to mislead voters; and the term 'UK EPP' is likely to confuse voters with the name of 'UKIP' a prior registered party. However, we have suggested to you that a party name which included 'European

People's Party' perhaps followed in brackets with 'EPP', could be discussed with us for potential registration.

You will be aware that we are responding to all your requests for information in accordance with 'freedom of information' requirements.

The letters from the Commission set out the Commission's decision, reasons for its decision and the steps the Commission would take following on from that decision. The Commission is confident that its decision to remove the party name is reasonable and proper; and that it has given the party sufficient explanation of its decision.

The Commission will strongly defend any challenge to its decision on the basis of the matters set out in your correspondence. The Commission is required to maintain a register of political party names and associated descriptions and emblem that complies with the law. The fact that that you are considering challenge to the Commission's decision to remove the party name is not a ground justifying the Commission's departure from its duties. Your correspondence contains no argument in law that could form the basis of a judicial review.

If the party remains dissatisfied with the Commission's decision, it is for the party to decide whether to seek to initiate legal proceedings. If the party does so, the Commission expects the Pre Action Protocol for Judicial Review to be followed.

Having set matters out fully for your party in this and preceding correspondence we will limit our future responses to acknowledging receipt unless new matters are raised that require consideration. If we can assist your party towards enabling us to register a party name (as well as descriptions and emblem), we would be pleased to do so.

Yours sincerely



Bob Posner
Legal Counsel and Director of Party and Election Finance
Electoral Commission