



Lobbying (Scotland) Act 2016

2016 asp 16

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 10th March 2016 and received Royal Assent on 14 April 2016

An Act of the Scottish Parliament to make provision about lobbying, including provision for establishing and maintaining a lobbying register and the publication of a code of conduct.

PART 1

CORE CONCEPTS

1 Regulated lobbying

- (1) For the purposes of this Act, a person engages in regulated lobbying if—
 - (a) the person makes a communication which—
 - (i) is made orally to a member of the Scottish Parliament, a member of the Scottish Government, a junior Scottish Minister, a special adviser or the permanent secretary,
 - (ii) is made in person or, if not made in person, is made using equipment which is intended to enable an individual making a communication and an individual receiving that communication to see and hear each other while that communication is being made,
 - (iii) is made in relation to Government or parliamentary functions, and
 - (iv) is not a communication of a kind mentioned in the schedule, or
 - (b) in the course of a business or other activity carried on by the person, an individual makes such a communication as an employee, director (including shadow director) or other office-holder, partner or member of the person.
- (2) Where a person engages in regulated lobbying by virtue of paragraph (b) of subsection (1), the individual mentioned in that paragraph is not to be regarded as engaging in regulated lobbying.
- (3) For the purposes of subsection (1)(a)(i), a communication which is “made orally” includes a communication which is made using British Sign Language or is otherwise made by signs.

Changes to legislation: There are currently no known outstanding effects for the Lobbying (Scotland) Act 2016. (See end of Document for details)

- (4) For the purposes of subsection (1), it does not matter whether the communication occurs in or outwith Scotland.
- (5) The Parliament may by resolution modify the schedule so as to—
- (a) add a description of a kind of communications,
 - (b) modify or remove a description so added.

Commencement Information

I1 S. 1 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

2 Government or parliamentary functions

- (1) Government or parliamentary functions are—
- (a) the development, adoption or modification of any proposal to make or amend primary legislation in the Parliament,
 - (b) the development, adoption or modification of any proposal to make a Scottish statutory instrument,
 - (c) the development, adoption or modification of any policy of the Scottish Ministers or other office-holder in the Scottish Administration,
 - (d) the making, giving or issuing by the Scottish Ministers or other office-holder in the Scottish Administration of, or the taking of any other steps by the Scottish Ministers or office-holder in relation to—
 - (i) any contract or other agreement,
 - (ii) any grant or other financial assistance, or
 - (iii) any licence or other authorisation,
 - (e) speaking, lodging a motion, voting or taking any other step in relation to a matter raised in proceedings of the Parliament,
 - (f) representing as a member of the Parliament the interests of persons other than in proceedings of the Parliament.
- (2) But the retained functions of the Lord Advocate (within the meaning of section 52(6) of the Scotland Act 1998) are not Government or parliamentary functions for the purposes of this Act.

Commencement Information

I2 S. 2 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

Changes to legislation: There are currently no known outstanding effects for the Lobbying (Scotland) Act 2016. (See end of Document for details)

PART 2

THE LOBBYING REGISTER

The register

3 Lobbying register

- (1) The Clerk must establish and maintain a lobbying register (the “register”), containing information about active registrants, inactive registrants and voluntary registrants.
- (2) The Clerk must publish, by such means as the Clerk considers appropriate, the information about active registrants which is contained in the register.
- (3) But the Clerk may withhold from publication information relating to an individual if the Clerk considers that it would be inappropriate to make that information publicly available.
- (4) The Clerk may publish, by such means as the Clerk considers appropriate, such information as the Clerk considers appropriate about—
 - (a) inactive registrants, and
 - (b) voluntary registrants.
- (5) In exercising functions under this Part, the Clerk must have regard to the parliamentary guidance (see section 43).
- (6) In this Part—
 - “active registrant” means a person entered in the register under section 10,
 - “inactive registrant” means a person entered in the register as an inactive registrant under section 12 or 13,
 - “voluntary registrant” means a person entered in the register as a voluntary registrant under section 14.

Commencement Information

I3 S. 3 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

4 Content of register

- (1) The register must contain an entry for each registrant setting out the information about the registrant's identity mentioned in section 5.
- (2) In relation to an active or inactive registrant, the register must also contain—
 - (a) the information about the registrant's regulated lobbying activity mentioned in section 6, and
 - (b) additional information provided by the registrant mentioned in section 7.

Commencement Information

I4 S. 4 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

Changes to legislation: There are currently no known outstanding effects for the Lobbying (Scotland) Act 2016. (See end of Document for details)

5 Information about identity

The information about the registrant's identity is—

- (a) in the case of an individual—
 - (i) the individual's name, and
 - (ii) the address of the individual's main place of business (or, if there is no such place, the individual's residence),
- (b) in the case of a company (within the meaning of the Companies Act 2006)—
 - (i) the name of the company,
 - (ii) its registered number,
 - (iii) the address of its registered office,
 - (iv) the names of its directors and of any secretary, and
 - (v) the names of any shadow directors,

(each of those expressions having the same meaning as in that Act),
- (c) in the case of a partnership (including a limited liability partnership)—
 - (i) the name of the partnership,
 - (ii) the names of the partners, and
 - (iii) the address of its main office or place of business, and
- (d) in the case of any other person—
 - (i) the name of the person, and
 - (ii) the address of the person's main office or place of business.

Commencement Information

I5 S. 5 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

6 Information about regulated lobbying activity

- (1) The information about the registrant's regulated lobbying activity is information submitted by the registrant about instances of the registrant engaging in regulated lobbying.
- (2) That is, in relation to each instance of regulated lobbying—
 - (a) the name of the person lobbied,
 - (b) the date on which the person was lobbied,
 - (c) the location at which the person was lobbied,
 - (d) a description of the meeting, event or other circumstances in which the lobbying occurred,
 - (e) the name of the individual who made the communication falling within section 1(1),
 - (f) either—
 - (i) a statement that the lobbying was undertaken on the registrant's own behalf, or
 - (ii) the name of the person on whose behalf the lobbying was undertaken, and
 - (g) the purpose of the lobbying.

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Commencement Information

I6 S. 6 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

7 Additional information

The additional information provided by the registrant is—

- (a) any information submitted by the registrant about—
 - (i) whether there is an undertaking by the registrant to comply with a code of conduct which governs regulated lobbying (whether or not it also governs other activities) and is available for public inspection,
 - (ii) where a copy of the code may be inspected, and
 - (iii) any individual given responsibility by the registrant for monitoring the registrant's compliance with the code, and
- (b) such other information provided by the registrant which the Clerk considers appropriate to include in the register.

Commencement Information

I7 S. 7 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

Active registrants

8 Duty to register

- (1) A person who engages in regulated lobbying when the person is not an active registrant must, before the end of the relevant period, provide to the Clerk—
 - (a) the information mentioned in section 5 in relation to the person's identity, and
 - (b) the information mentioned in section 6 in relation to the first instance of the regulated lobbying.
- (2) The “relevant period” is the period of 30 days beginning with the date on which the first instance of the regulated lobbying occurred.
- (3) A person must provide the information under subsection (1) in such form as the Clerk may determine.

Commencement Information

I8 S. 8 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

9 Application for registration

- (1) A person may apply to the Clerk to be entered in the register if the person—
 - (a) is not an active registrant, and
 - (b) has not engaged in regulated lobbying during the period of 30 days before the date of the application.