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What is Regulated Lobbying?

The Lobbying (Scotland) Act 2016 was passed by the Scottish Parliament in March 2016 and received Royal Assent in April 2016. The Act will be fully commenced in **early 2018**. The Act places certain duties on those who lobby. As an MSP, you will not be required to register lobbying activity.

The debate prior to passing the Bill recognised lobbying as a legitimate and valuable part of our democratic process but that legislation was appropriate in the interests of public transparency. The resulting Act specifies what type of lobbying is now to be recorded by lobbyists on a new public **Lobbying Register**: this is termed as [regulated lobbying](#).

Regulated lobbying applies only to **oral** communications, made **face-to-face** to **MSPs** and to the Scottish Government's Ministers, Special Advisers and Permanent Secretary. This can be **in person** or by any form of **video-conference**.

Regulated lobbying applies only to discussions about [Scottish Government or parliamentary functions](#).

Regulated lobbying **does not apply** to any other types of communication, such as emails, letters, tweets, phone calls, etc.

Significantly, the Act **does not limit where or when** regulated lobbying may take place and takes a **broad view** of what lobbying activity is. So, any **paid** individual meeting you **face-to-face** and seeking to inform or influence decisions on behalf of their organisation (or those they represent), could be engaging you in regulated lobbying, **regardless of the occasion** or informality of the situation.

However, the Act includes several **exemptions** to regulated lobbying. These cover discussions you have:

- with **individuals** raising issues with you on their own behalf;
- with any individual, company/organisation living, based or operating **within your constituency or region** (this exemption does not apply to discussions with Scottish Ministers);
- with anyone who is **unpaid** (e.g. volunteers);
- with small **companies/organisations** (fewer than 10 full-time equivalent employees) unless they operate in a representative capacity;
- during **formal proceedings** of the Scottish Parliament or where the communication is required **under statute** or another rule of law.
- relating to a **request made by you** (or your office) for factual information or views on a topic from an individual, company/organisation;

- during quorate meetings of **Cross-Party Groups**;
- for the purposes of **journalism**;
- about negotiations on **terms and conditions of employment** with either employers or trade unions;
- with **political parties** and a number of **public** figures, bodies and professions.

What is the Lobbying Register?

The Lobbying Register is an **online, public and fully searchable register** which will be available at www.lobbying.scot from early 2018. It will be free to use and accessible to everyone. It is managed by officials of the Scottish Parliament.

Those engaged in regulated lobbying will use the Lobbying Register to provide information on **who** they have lobbied (i.e. MSPs, Ministers, etc.), **when** and **where** it happened and what the **purpose** of the lobbying was.

They will do this by submitting short **Information Returns**, for each instance of regulated lobbying, to the Lobbying Register. An Information Return can be submitted at any time (but it is a legal requirement for registrants to update the Register at least every 6 months).

All Information Returns will be approved by the **Lobbying Register Team** in the Scottish Parliament before 'going live' on the Lobbying Register. If you wish, the team will be able to arrange for **automatic alerts** to be sent to you or your office, each time you are mentioned in an Information Return (and of course for alerts to be stopped at any time). If you feel anything is inaccurate, you can simply let us know and we can look further into this.

What's been happening and what does it mean for me/my staff?

The Act was passed in Parliament by all political parties on 10 March 2016 and parliamentary officials have since been preparing for implementation, including:

- Comprehensive consultation with **stakeholders** (including a representative working group) to understand issues and ideas for the practical introduction of the new Lobbying Register and associated parliamentary guidance.
- Procuring, developing and testing the **new IT and website** which will operate the Lobbying Register at www.lobbying.scot.
- Detailed **planning** for introduction: establishing parliamentary processes; research and mapping the stakeholder base; developing our marketing, communications and ongoing outreach programme.

The parliamentary guidance and online Lobbying Register will be available from Autumn this year, allowing users **hands-on experience** well in advance of the go-live date in early 2018.

Finally, the Act requires the Parliament to review the operation of the Act, two years after the Lobbying Register comes into operation. This review will start in **early 2020**, led by a committee of the Scottish Parliament. This has already been agreed by the Parliamentary Bureau.

The **requirement** to register any activity lies with those who lobby, **not with MSPs** or your staff. However, it will have an impact on you as a serving MSP and for the staff who support you.

Meeting with those who lobby is a legitimate and valuable part of being an MSP and the Act **does not seek to inhibit** those discussions or prevent any form of lobbying in future. To assist those lobbying, it would be very helpful if MSPs could:

- Get to know the key aspects of the Act and associated guidance (this early document is intended to start that process).
- Let us know what you would find of further help i.e. would you or your staff like to be briefed further?
- Let us know of organisations we might not yet have reached that would find contact from the Lobbying Register Team to be helpful.
- When the Act is commenced in early 2018, help to make those you meet with aware of the new requirements. The Lobbying Register Team will be able to provide you with support and promotional materials.
- If you don't already, try to identify yourself to those you meet in more informal situations where the person(s) you are having discussions with may not immediately realise your position as an MSP (e.g. events, conferences, etc.). Some stakeholders are concerned that they may inadvertently engage in regulated lobbying with you, without realising it and be penalised for failing to register.



MSPs and MSP staff can contact the Lobbying Register Team for further advice



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