About MND Scotland

MND Scotland is the only Scottish charity providing funding for research as well as care, information and support for people with MND and their families. We are the proud 2015 winners of the Scottish Charity of the Year and People's Choice Awards.

Introduction

MND Scotland responded to the initial Scottish Government Consultation on Lobbying Transparency. We welcome the opportunity to respond to the Bill but it would seem that many of the concerns we identified in the initial consultation still remain.

Consultation questions

1. Do you agree that the Bill is necessary and that the establishment of a Lobbying Register is desirable?

No, we do not agree with either of these points. As highlighted in our original consultation submission, chapter 1, page 3 of that consultation document stated ‘no concerns have been identified about the probity of lobbying in Scotland.’ We therefore feel neither a Bill nor Register are necessary.

2. How will the Bill affect you and your organisation?

Our charity holds an exhibition and reception at the Scottish Parliament once a year during MND Awareness Week. Three members of staff ‘man’ the exhibition but potentially all our small staff team of 15 people would attend the reception. They will speak to MSPs about our charity’s work and this may or may not include activity such as campaigns. Section 5 (b) of the Bill indicates that our charity would be the registrant. However, section 6.(2).(e). suggests that the names of all our staff would need to be recorded if they have conversations with MSPs which could be deemed as lobbying. Apart from this being a bureaucratic burden for our organisation, it may discourage members of our small staff team from attending Parliament receptions. This would make it very difficult for us to hold such events and ultimately it is people affected by MND – our guests and the people we represent - who would lose out.

3. Registration is triggered only when lobbying is being done in exchange for payment (either as a consultant or an employee) and does not capture lobbying carried out in the course of voluntary work or when it is done by an individual on his or her own behalf. Do you agree with this approach?
No, we do not agree with this approach. Charity employees are paid but they are lobbying solely on behalf of the vulnerable people the charity represents. These vulnerable people are often not well enough to lobby themselves and need others – charities – to do it for them. The differentiation here is, therefore, not helpful. Charity employees – not just volunteers – should be exempt. If this legislation discourages small charities from lobbying, it is harming the vulnerable people they represent who are unable to lobby themselves.

4. Do the provisions set out in the Bill succeed in striking a balance between capturing information of value and ensuring that access and participation with the work of Parliament and Government is not discouraged?

No. As outlined in point 2, we believe that staff from our charity and other small charities will be discouraged from legitimately engaging in the work of the Parliament and Government.

5. Do you feel that the definitions and exclusions are sufficiently clear? Do they, for example, allow individuals and organisations to easily know whether their activity requires to be registered?

No. We feel that the Bill is most definitely not clear. The wording of the Bill suggests that all our staff engaged in Parliamentary work, like receptions, would need to have their details included in the Register but this is not explicitly clear. In addition, the type of lobbying that needs to be registered also appears unclear. Section 1 (a)(i) states ‘...the person makes a communication which is made orally and in person to a member of the Scottish Parliament, a member of the Scottish Government or a junior Scottish Minister.’ However, section 44 (3) states ‘In this section, “lobbying” means making a communication of any kind to a member of the Parliament in relation to the member’s functions.’

6. The Bill’s Policy Memorandum states the Bill aims for a “light touch, educative approach” and that “criminal offences and penalties [are] provided for as a last resort”. What are your views on this approach?

Talk of “criminal offences and penalties” sounds very heavy handed to employees of small charities and will undoubtedly discourage many from legitimately engaging in the work of the Parliament.

7. Are there any unforeseen consequences of the Bill as currently drafted?

The bill is unclear and needs redrafted.

8. Are there any amendments that would, in your view, enhance the Bill?

Yes. Charities should be exempt from registering for the reasons outlined in response to question 3. They are lobbying solely for the benefit of the vulnerable people they represent. If charities are not exempted, they must genuinely be allowed to register as one body without having to include the name of every employee who attends a Parliament reception or exhibition who may or may not be engaged in what is deemed to be lobbying activity with MSPs.
Susan Webster,
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MND Scotland
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