



The Scottish Parliament
Pàrlamaid na h-Alba

Lobbying Register | Clàr Coiteachaidh

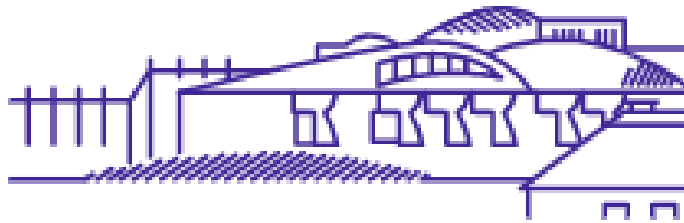
ANNUAL REPORT 2022

AITHIS BHLIADHNAI 2022



Fourth report on the operation of The Lobbying (Scotland) Act 2016

Covering the period 13 June 2021
to 12 June 2022



An dàrna aithisg air obrachadh Achd Coiteachadh (Alba) 2016

A' dèiligeadh ris an ùine 13 Ògmhios 2021 gu 12
Ògmhios 2022

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David McGill, Clerk/Chief Executive, Scottish Parliament

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Foreword



***Draft** - I am pleased to present the fourth Annual Report on the Scottish Parliament's Lobbying Register.*

We have continued to see significant numbers of information returns published in this year, with over 5,000 additional entries now on the Register since last year.

The annual report provides a good opportunity each year to reflect on how the lobbying register can relate to issues and concerns of recent times. This year's report shows notable increases in activity from the energy and hospitality sectors over the previous year, areas which have of course been in sharp focus in relation to climate change and the pandemic.

A new addition to this year's report is the inclusion of a list of all new organisations that have registered this year, helping to highlight the wide range of organisations covered by the Act, and those now additionally active in regulated lobbying communications.

I would like to place on record my thanks to the Lobbying Register Team for its efforts again over the past year and thank you for your time in reading this report.

David McGill
Clerk/Chief Executive
The Scottish Parliament

Facal-toisich



[Finalised text above to be translated]

David McGill
Clàrc/Ceannard
Pàrlamaid na h-Alba

Updates on the Lobbying Register

Impact Assessment

The Scottish Parliament's Public Audit and Post-legislative Scrutiny Committee¹ reviewed The Lobbying (Scotland) Act 2016 at the end of the previous parliamentary session and published its final report² on 22 March 2021.

The report recommended an independent impact assessment of the Act be undertaken and that further scrutiny be undertaken by the Parliament.

The Standards, Procedures and Public Appointments Committee (SPPA) is to commission this assessment and consider it further, once completed, as part of its future work programme³ to "*consider the implementation of the Lobbying (Scotland) Act and any further changes to the legislation*".

Outreach activities

The enduring effects of the pandemic have again limited in-person engagement opportunities, in this reporting year.

As in the previous year however, the Lobbying Register Team continued to make themselves available to meet with registrants by video conference, to provide face-to-face advice and interaction and participate in online events.

With an improving situation however, the team has started to plan with more confidence a series of outreach activities to help registrants across sectors. The team will be promoting these through direct messaging and social media in the coming months.

¹ <https://archive2021.parliament.scot/parliamentarybusiness/PreviousCommittees/117344.aspx>

² [Post-legislative scrutiny: The Lobbying \(Scotland\) Act 2016 | Scottish Parliament](#)

³ <https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-standards-procedures-and-public-appointments-committee>



Registrations

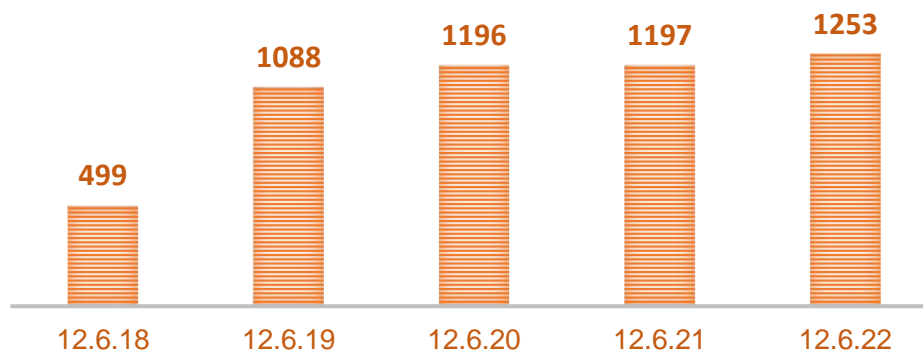
The Register launched on 12 March 2018. This report covers data from that start date up until 12 June 2022 (i.e. four years and three months of full activity).

Registrants by number

As of 12 June 2022, the Lobbying Register held **1253** registered organisations/sole traders, a net increase of **56** organisations registered since the last reporting year.

The table below shows the yearly number rising since 12 March 2018.

NUMBER OF REGISTRANTS



Voluntary registrants

There are currently also **10** organisations registered on a voluntary basis. Voluntary registrants are permitted under Section 14 of the Lobbying (Scotland) Act 2016, as long as the applicant is not already an active registrant. Not all oversight and enforcement conditions for being an active registrant apply to voluntary registrants.

New and inactive organisations

The tables on the following pages show that from 13 June 2021 – 12 June 2022:

- **82** new organisations were registered
- **20** organisations were made inactive

A total of **113** organisations had been made 'inactive' by 12 June 2022.

An organisation is made inactive when it has made the considered decision to no longer engage in regulated lobbying, or it is no longer operational.

NEW ORGANISATION NAME	DATE ACTIVE FROM*
1. Independent Age	09 June 2022
2. National Pharmacy Association Ltd	08 June 2022
3. Cavu Aerospace Inc	07 June 2022
4. Edinburgh World Heritage	03 June 2022
5. The Royal College of Radiologists	26 May 2022
6. Sustainable Marine Energy Limited	24 May 2022
7. Nova Innovation	18 May 2022
8. European Energy Development Ltd	10 May 2022
9. GAMA Healthcare Ltd	06 May 2022
10. Stonehaven Campaigns Limited	21 April 2022
11. Fred. Olsen Seawind	11 April 2022
12. National AIDS Trust	24 March 2022
13. JBP Associates	22 March 2022
14. SnapDragon Monitoring	21 March 2022
15. Perpertuus Tidal Energy Ltd	21 March 2022
16. SUEZ Recycling & Recovery UK Ltd	15 March 2022
17. Loch Long Salmon Ltd	15 March 2022
18. OVID Consulting Ltd	11 March 2022
19. SRMA (Scotland) Ltd	09 March 2022
20. The Migraine Trust	03 March 2022
21. Devin Scobie	02 March 2022
22. BVCA British Private Equity and Venture Capital Association	28 February 2022
23. Balhousie Care Group	14 February 2022
24. Icen Projects Ltd	08 February 2022
25. RESULTS UK	07 February 2022
26. Grampian Regional Equality Council Ltd.	24 January 2022
27. Wind Development Holdings Limited	20 January 2022
28. Traditional Dance Forum of Scotland	16 January 2022
29. CMR surgical	21 December 2021
30. Roy Castle Lung Cancer Foundation	20 December 2021
31. GS1 UK Ltd	16 December 2021
32. Volunteering Matters	07 December 2021
33. Trutex Ltd	26 November 2021
34. Neurological Alliance of Scotland	23 November 2021
35. Digital Mobile Spectrum Limited	19 November 2021
36. Conservative Environment Network	17 November 2021
37. Valneva	10 November 2021
38. Forth Valley Sensory Centre	10 November 2021
39. Aker Offshore Wind	10 November 2021
40. Terrence Higgins Trust	08 November 2021
41. Transparency International UK	21 October 2021

42. Reith Lambert	21 October 2021
43. Medical Protection Society (MPS)	28 September 2021
44. Magell Limited	23 September 2021
45. Compass Scotland	21 September 2021
46. Tata Steel	17 September 2021
47. Scottish Leather Group Ltd	16 September 2021
48. The Glenmorangie Company	15 September 2021
49. Air Products PLC	14 September 2021
50. Siccar Point Energy Limited	10 September 2021
51. Thrive Childcare & Education	10 September 2021
52. Friends at the End	08 September 2021
53. Oceana	02 September 2021
54. Square Peg Consulting	25 August 2021
55. Ravenscraig Limited	25 August 2021
56. Society for the Protection of Unborn Children	24 August 2021
57. Kier Construction	23 August 2021
58. Champion Homes Limited	22 August 2021
59. BAFE FireQual Ltd	17 August 2021
60. The Royal College of Surgeons of Edinburgh	16 August 2021
61. Campaign for Freedom of Information in Scotland	02 August 2021
62. Sortition Foundation	27 July 2021
63. Egger	12 July 2021
64. XLCC Ltd	09 July 2021
65. LINK Scheme Ltd	09 July 2021
66. Plantlife Scotland	30 June 2021
67. Madano	28 June 2021
68. Hutcheson Associates Ltd	22 June 2021
69. Nuclear Industry Association	21 June 2021
70. InHouse Communications	16 June 2021
71. Fred. Olsen Renewables	14 June 2021
72. Unity Consulting Scotland Ltd.	13 June 2021
73. The British Horse Society*	17 May 2021
74. Night-time Industries Association*	04 May 2021
75. Costa Limited*	22 February 2021
76. ESB*	17 February 2021
77. Seonag MacKinnon*	20 January 2021
78. Sarcoma UK*	16 September 2020
79. AB INBEV UK LIMITED*	19 December 2019
80. Centre for Homelessness Impact*	25 September 2019
81. Alexander Dennis Limited*	26 November 2018
82. Zero Waste Scotland*	15 June 2018

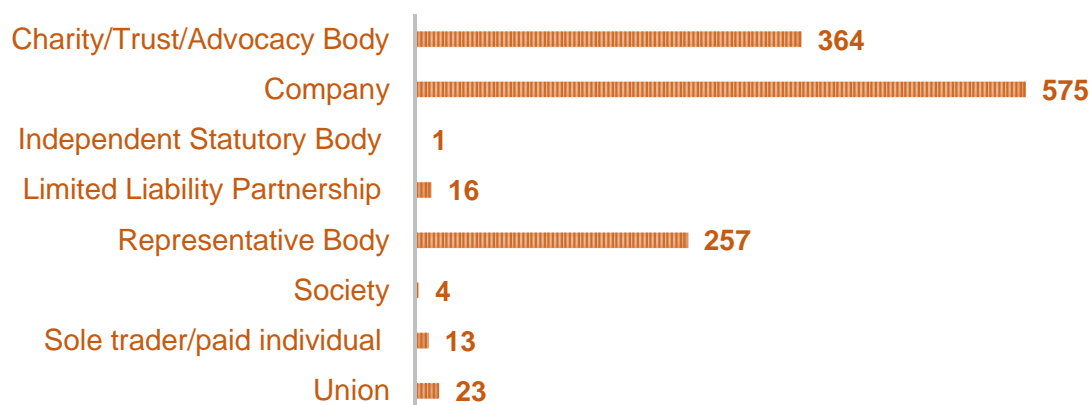
**where registration date was preceded by the date of a subsequent published return.*

INACTIVE ORGANISATION NAME	DATE MADE INACTIVE
1. Scottish Churches Housing Action	01 June 2022
2. Ticon UK Ltd. t/a Spend Network	29 April 2022
3. Carlin Consulting	11 April 2022
4. Life Changes Trust	15 March 2022
5. Roche Diabetes Care	02 March 2022
6. Motorsport UK	25 February 2022
7. Pernod Ricard UK	15 December 2021
8. Sumdog Ltd.	16 November 2021
9. Earl Haig Fund Scotland	04 November 2021
10. Shetland Amenity Trust	01 November 2021
11. Scottish Veterans Residences	26 October 2021
12. West Coast Partnership	03 September 2021
13. Moray Offshore Windfarm West	02 September 2021
14. Moray Offshore Windfarm East Limited	26 August 2021
15. Wave	25 August 2021
16. Open Knowledge International	22 August 2021
17. Refundit	10 August 2021
18. Pancreatic Cancer Scotland	03 August 2021
19. Wilson-Macleod Consulting Limited	02 August 2021
20. Deafscotland	30 June 2021

Registrants by organisation type and sector

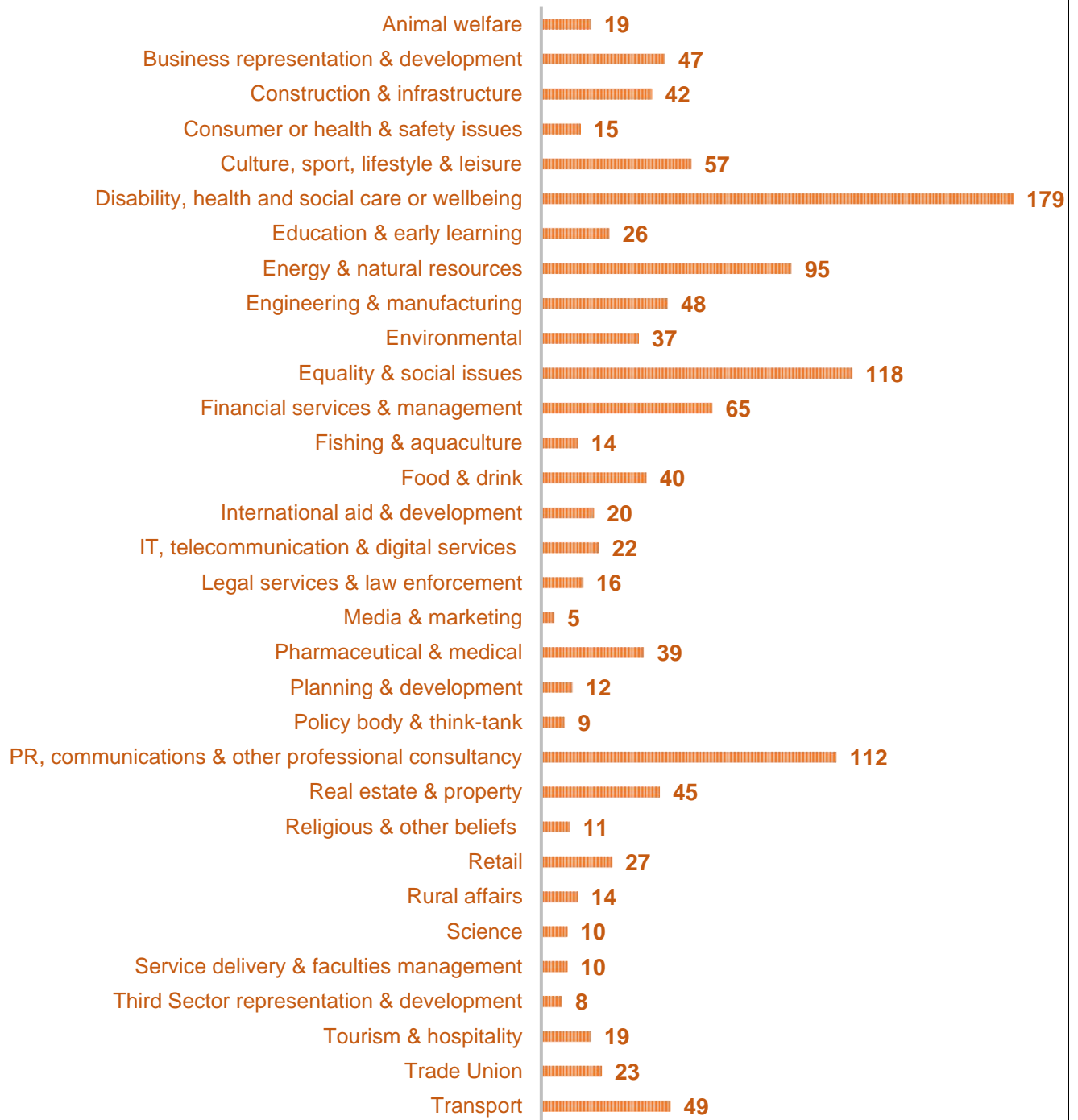
The tables below show active registrants (as of 12 June 2022). These reflect organisations by different **type** and by different types of **sector** (reflecting the primary sector an organisation operates within).

REGISTRANTS BY ORGANISATIONAL TYPE



Of the 1253 organisations now on the Register by the end of the reporting year, **41** of these were new **Company** registrations (the largest rise of any of 'type' above).

REGISTRANTS BY SUBJECT AREA (PRIMARY)



Of the 1253 organisations on the Register by the end of the reporting year, the only two notable rises in any subject area were in:

- PR, communications & other professional consultancy (10)
- Energy & natural resources (9).



Information Returns

Submitting and assessing Information Returns

The Act sets out when a person engages in what is referred to as 'regulated lobbying'. Not all forms of lobbying are covered by the Act. The '**Five Key Steps**' contained within the Parliamentary Guidance⁴ provide a 'quick guide' to help registrants assess whether, or not, they have engaged in regulated lobbying.

If a communication made by a registrant fits with all the Five Key Steps, then that indicates the registrant will need to submit an Information Return, detailing what the regulated lobbying undertaken was.

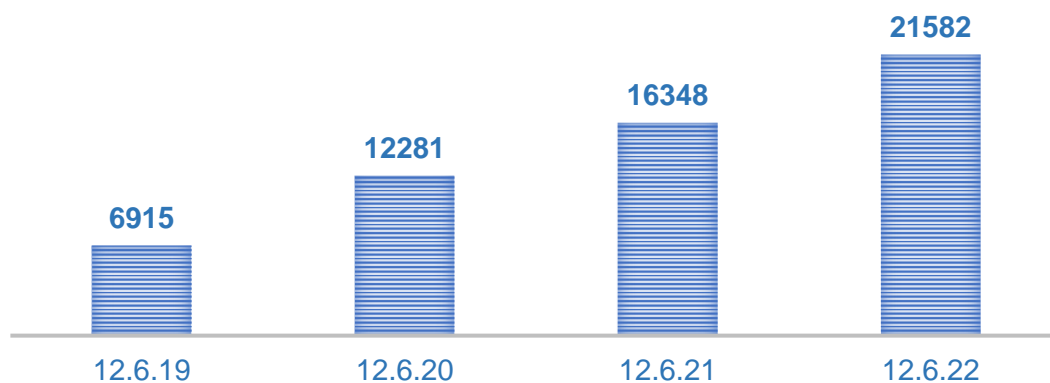
Information Returns are completed by an organisation logging into its account on the Register at www.lobbying.scot; creating a new Information Return and submitting this online to the Lobbying Register Team for initial checking.

Once an Information Return is submitted it is reviewed by the Lobbying Register Team to check that the activity outlined amounts to regulated lobbying, as set out by the Act. This check includes an analysis of the details provided and consideration of whether any exemptions in the Act might apply. Feedback is then offered to the registrant where required and changes sought before final publication. Refinements are made by the Lobbying Register Team and published without recourse, as part of a pragmatic approach to assist registrants.

Information Returns by number

By 12 June 2022 the number of Information Returns published was **21,582** - an increase of **5234** on the previous year.

INFORMATION RETURNS BY NUMBER



⁴ <https://www.parliament.scot/-/media/files/Lobbying/ParliamentaryGuidance.pdf>

Substantive versus Nil Information Returns

The table below shows the total number of 21,582 published returns, split between substantive Information Returns and Nil Information Returns, as of 12 June 2022. Nil returns accounted for just under **30%** of all published returns.

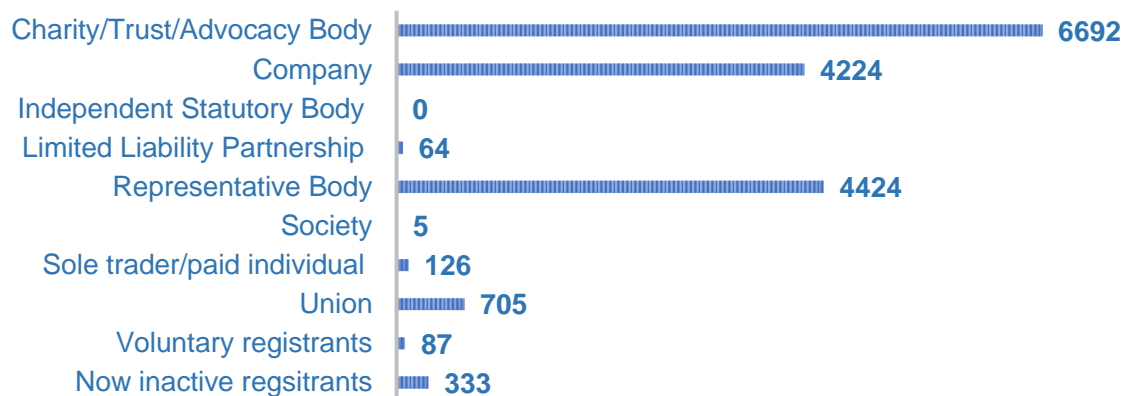
SUBSTANTIVE RETURNS / NIL RETURNS



Information Returns by organisational type and sector

The tables below show the 16,660 'substantive' Information Returns now published, reflected by different organisational **type** and by different types of **sector** (reflecting the primary sector an organisation operates within).

SUBSTANTIVE RETURNS BY ORGANISATIONAL TYPE



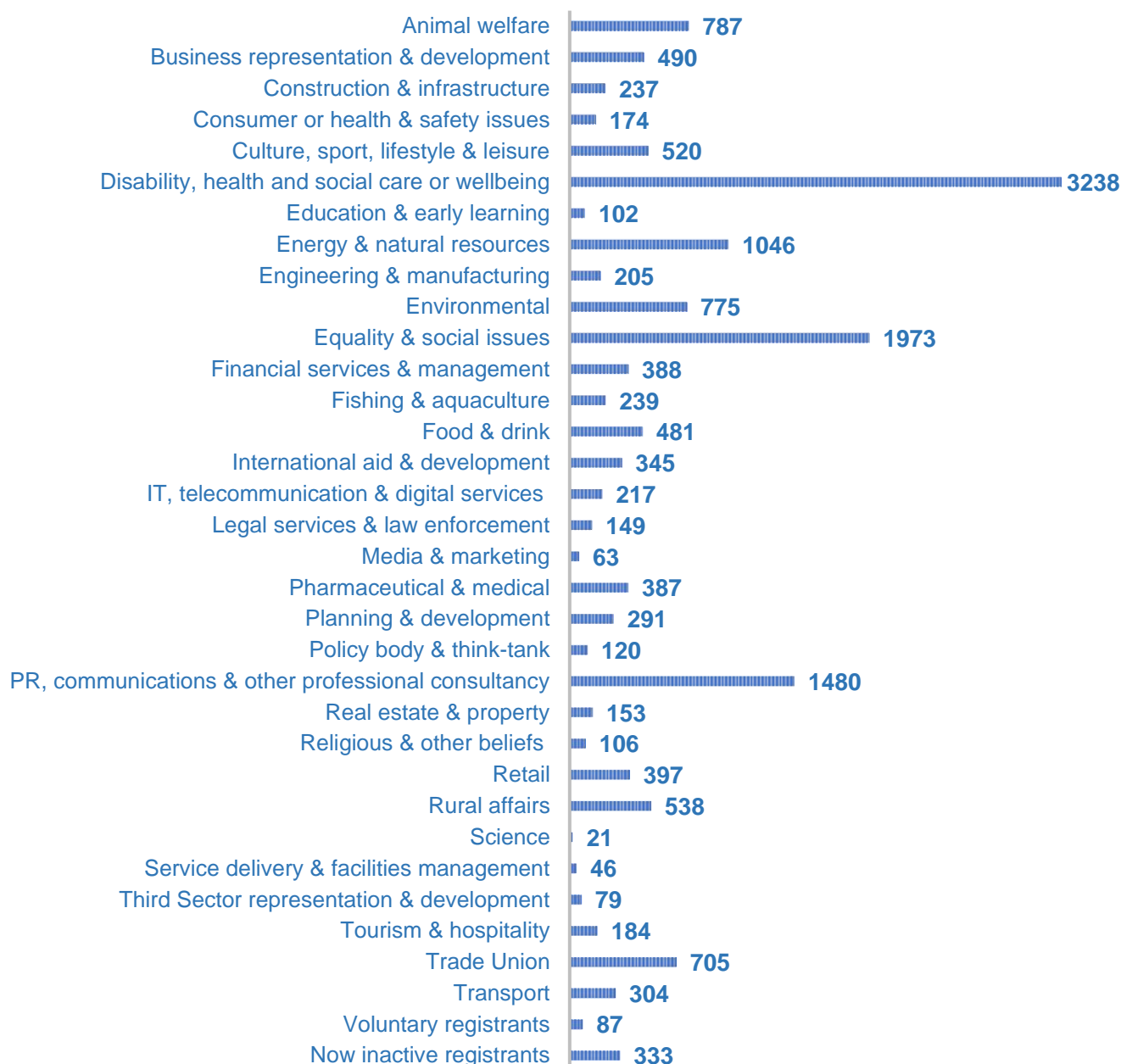
In terms of all substantive Information Returns published on the Register during this reporting year, two types of registrants had over 1,000 returns published:

- Charity / Trust / Advocacy Body (**1384**)
- Representative Body (**1042**)

The biggest percentage increases, for returns published by organisational type, were for:

- Voluntary Registrants (**37%**)
- Sole trader/paid individual (**28%**)

SUBSTANTIVE RETURNS BY SUBJECT AREA (PRIMARY)



In terms of all substantive Information Returns published on the Register during this reporting year, the following sectors had over 400-500 returns published:

- Disability, health and social care or wellbeing (**532**)
- Equality & social issues (**498**) and Energy & natural resources (**416**)

The biggest percentage increase, for returns published by organisational sector, were for:

- Energy & natural resources (**40%**)
- Tourism & hospitality (**39%**)



Compliance

How to comply

Every registered organisation is required to submit at least one Information Return during its statutory 6-month reporting period - the start and end dates of which are unique to each organisation.

The first statutory period for any organisation begins with the date of its application to join the Register. However, if regulated lobbying by an applicant took place in advance of this, the first date on which any regulated lobbying took place becomes the start date, instead. Organisations are notified of these timescales during the registration process.

The Lobbying Register Team also issue a courtesy email reminder to each organisation's registered email account, two weeks before the end date for every 6-month period. This email is to help remind an organisation to report all lobbying activity in the period before its pending statutory deadline.

Failure to submit any returns, or a **nil return** instead, results in a breach of the Act.

Importance of nil returns

In cases where the organisation has not engaged in regulated lobbying during a 6-month period, the requirement to submit at least one return is covered by the submission of a nil Information Return. This nil return acts as a public declaration by the organisation that it has not taken part in any regulated lobbying during that period.

Submitting a nil return is not a difficult or lengthy task and is an important aspect of the Act. Submitting a timely nil return makes sure an organisation does not breach the Act.

For those researching the Register, it also ensures full transparency, by evidencing that an organisation has not engaged in regulated lobbying within any statutory period.

Nil returns currently account for just under 30% of all published returns.

Current performance, system enhancements and future compliance

Last year's annual report set out that further analysis was to be carried out in relation to organisations and breach behaviour.

This was to evaluate the need for building in improved compliance and was being assessed against the premise that with time, experience and the appropriate reminders issued, non-compliance rates should naturally fall. This is particularly so when emerging more fully from issues resulting from the COVID pandemic.

As can be evidenced from the table below, the number of breaches of this type remains too high and there is no sign of reduction, particularly by some organisations who have been present on the Register for the longest periods, and where you might expect working practices to have been most settled by now.

NON-COMPLIANCE EMAILS ISSUED



This accumulation over time has led to **2230** breach emails being issued to organisations by the Lobbying Register Team (at the end of the latest reporting year). The analysis also showed some organisations are now showing repetitive, and not just occasional, instances of non-compliance.

The main causes for breaches seem to be responsible staff forgetting to submit a nil return at the end of any statutory period, or an organisation's failure to keep up with its reporting requirements due to breakdowns in staff continuity and ensuing loss in relevant corporate knowledge.

As this is still a substantial number, we need to reduce it significantly in future reporting years and reduce the collective administration burden that breach behaviours cause.

To help with the drive to do that, the Lobbying Register Team seek the ongoing assistance of registered organisations in some areas identified below, and will also take the following actions:

- To continue providing all organisations with a courtesy email 2 weeks before the end of a reporting period. Organisations should maintain a check that any emails from www.lobbying.scot are not being redirected by their organisation to spam or junk email folders.
- To continue actively encouraging organisations to submit Information Returns on a regular basis, rather than waiting until the end of a 6-month period. Should changes be made in future to increase the number of statutory reporting periods from the current two per year, this approach may prove to be prescient.

- To continue to seek a timely response on emails issued by the team, asking for changes or clarifications to information returns, within a standard two-week deadline (as set out within each email). Added resources are to be invested in the coming year, to help apply a more rigorous approach to making sure that replies to emails are followed up by individuals responsible within organisations.
- To continue to encourage organisations to plan for any staff changes, to help reduce the number of compliance issues being caused by handover duties not being planned for or provided.
- To introduce by end 2022, a new 'organisation dashboard', as a system enhancement. When logging in, a user will be diverted to the organisation's dashboard and instantly be able to:
 - note the organisation's current statutory period dates (should there be any doubt).
 - see the date when the organisation last updated its registration details.
 - check on the number of Information Returns flagged as requiring an organisation's attention.
- To scale up the new task highlighted in last year's annual report, of issuing of a 'statement letter' to every CEO, or equivalent, of a registered organisation. The team will now prioritise organisations showing breach behaviours of concern. These letters provide senior leadership level with information on the completed activities, compliance performance and unresolved actions (if any) of the organisation and help flag what needs attention.
- To publish within future annual reports (starting with next year's 2023 report) more detail about breaches that have occurred during each reporting year.
- The use of Information Notices as a means of requiring outstanding information also remains under active consideration.

Legislative change

In terms of matters which can only be altered by revised legislation, these issues are properly for members of the Parliament to consider and then decide upon. Such areas would include any consideration and decisions relating to:

- revising, adding to, or removing any existing exemptions in the Act
- whether the Act should be extended to include other forms of communication
- whether additional levels of the civil service should be added to the Act's scope
- a shortening of the reporting timetable, from the current six-month statutory period.

However, the following practical areas have already been suggested as matters where legislative change could help with the efficiency of running the Register and in removing some unnecessary bureaucracy for registrants:

- **Harmonising reporting deadlines:** this would replace the current legislative position where organisations all have different dates, depending on when the organisation registered or first lobbied. This change could provide a clearer pattern for all organisations and lead to some administrative savings, particularly so if the number of deadlines of two per annum were to be increased (e.g. the legislation in Ireland has 3 deadlines per annum). This position was outlined by the Lobbying Registrar in evidence during the PAPLS parliamentary review⁵.
- **Registration information:** another suggestion made during that review process from the Lobbying Register Team was to make added provision through revised legislation for a few extra items of registration information, to make contact details and organisational responsibility clearer on the Register.
- **Multiple returns:** the current legislation determines that a return must be provided for “each instance” (Section 6(2))⁶ of regulated lobbying. This can result in multiple returns being submitted with identical texts, for example where an organisation spends a whole day at an exhibition stand in Parliament or at a party conference, where many MSPs are present and lobbied on the same issue(s). In those particular circumstances, moving to a ‘one return’ approach would see no change to the lobbying outcomes being listed. It would however remove a time-consuming and frustrating process of having to provide scores of individual returns, where one could be sufficient.
- **Video conference - Act clarification:** a tidying up legislative measure, as covered specifically in the PAPLS report⁷, to provide further clarity.

⁵ [Post-legislative scrutiny: The Lobbying \(Scotland\) Act 2016 | Scottish Parliament](#)

⁶ [Lobbying \(Scotland\) Act 2016 \(legislation.gov.uk\)](#)

⁷ <https://digitalpublications.parliament.scot/Committees/Report/PAPLS/2021/3/22/79252553-8fd1-49af-acc0-66899fb52338#d8190fb0-1711-4528-8ea3-14966f74e1d5.dita>

Addendum

Data for the Report

Data covers the period 12 March 2018 until 12 June 2022 and is published as an accompaniment to this Report, within a searchable excel spreadsheet.

This includes:

Active Registrants:

- Registrant Name
- True registration date (i.e. date of registration or first day of lobbying)
- Registrant Type
- Registrant subject area (primary)
- Current statutory period
- Number of substantive returns published
- Number nil returns published
- Number of breach emails issued

Inactive Registrants:

- Registrant Name
- True registration date (i.e. date of registration or first day of lobbying)
- Registrant Type
- Registrant subject area (primary)
- Current statutory period
- Number of substantive returns published
- Number nil returns published
- Number of breach emails issued

Voluntary Registrants:

- Registrant Name
- True registration date (i.e. date of registration or first day of lobbying)
- Registrant Type
- Number of substantive returns published

Conclusion from the Lobbying Registrar

We are very much enjoying the 'early days' of working again with organisations 'in-person', in addition to having embraced new ways of working online.

Communication for us is key, in continuing to develop our aim of supporting those involved in all aspects relating to the Register.

As the Register continues to mature into its fifth year of activity, this will involve us all working together on key areas of compliance, as highlighted within this year's report.

Our team looks forward to those supportive conversations to come, whether they be in-person, by phone, or online.



Billy McLaren
Lobbying Registrar



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