

For greater
openness,
face-to-face
lobbying
must be
registered.



If you lobby MSPs, members of the Scottish Government, Special Advisers or Permanent Secretary you must register by law on Scotland's new Lobbying Register.



LOBBYING REGISTER | CLÀR-COITEACHAIDH

The Scottish Parliament
Pàrlamaid na h-Alba

WHAT IS LOBBYING?

To be heard by parliament or government many people 'lobby'. It is a fundamental part of our democratic process.

It allows organisations and individuals to inform and influence decisions made by our elected representatives and policy development by our government.

Lobbying takes many different forms and can originate from individuals and interest groups; bodies representing their members or professions; charities and the voluntary sector and those who act in a professional capacity to lobby others.

WHAT IS "REGULATED" LOBBYING?

Regulated lobbying is a core concept of the Lobbying (Scotland) Act 2016.

Regulated lobbying is lobbying which takes place face-to-face with MSPs, members of the Scottish Government, Special Advisers or Permanent Secretary and which relates to Scottish Government or Parliamentary functions.

Since **March 2018**, the law has required regulated lobbying to be recorded in a new Lobbying Register.

This contact could take place in any situation, not just at formal meetings. To help you understand what regulated lobbying is please check the **5 Key Steps** within this leaflet and the exemptions that may apply. That should help you to identify if you are engaged in regulated lobbying.

If you think you are, we strongly suggest you seek further information and guidance at the Lobbying Register website www.lobbying.scot

PARLIAMENTARY GUIDANCE

Parliamentary Guidance on the operation of the Act has been produced and is intended to assist those who may lobby.

This provides comprehensive information on all aspects of the Act, setting out in greater detail which types of conversations, and with whom, would require to be registered.

In addition to the Parliamentary Guidance, a Common Scenarios guide and FAQs have also been produced and are designed to help with other practical questions and queries that potential registrants may have. All of these documents are on the Lobbying Register website.

REGISTRATION

The Lobbying Register team offers the following good practice guidance when registering an account for your organisation.

- There is a four part registration process: initial set-up with registrant name, email and password; confirmation email; completion of organisation details; and confirmation of account by the Lobbying Register team. You will not be able to submit Information Returns until your account is confirmed.

- Your registrant name should be the name of the company or organisation you work for or represent, not your own name (unless you lobby in an individual capacity).

- We recommend that organisations use a generic email address (such as admin@acme.com or lobbying@acme.com) to set-up their accounts, as the Act places the onus on the organisation to submit Information Returns rather than individuals. Using a generic email address will also ensure that the organisation has a continuous record of all of the Information Returns it makes and, in addition, if you are sick or leave the organisation the email and account will stay the same.

INFORMATION RETURNS

- You have up to 6 months (and two additional weeks) from the date you applied to register an account, to submit Information Returns on your regulated lobbying activity. The additional two weeks allow time for Information Returns to be submitted after the 6-month period ends. **However, you can submit Information Returns at any time during your 6-month period.**

- You will receive an email to remind you about your 6-month deadline in advance and likewise with all subsequent 6-month deadlines that will follow.

- Please note, if after 6 months you have not engaged in any regulated lobbying, you are still legally required to submit a **'nil' Information Return** on the Lobbying Register to indicate this.

- It's important to note that if you carried out regulated lobbying before registering an account, you should register and then submit an Information Return **within 30 days** about that first occurrence or you will be in breach of the Lobbying (Scotland) Act 2016.

WHAT ARE THE EXEMPTIONS WITHIN THE ACT?

There are 13 separate exemptions in the Act's schedule. This checklist may help you.

An exemption would apply to my face-to-face lobbying with an MSP, members of the Scottish Government, Special Advisers or Permanent Secretary because it was:

about an issue I am raising on my own behalf

with an MSP who represents the constituency or region where I live or where my company/organisation is based or ordinarily operates within

I am aware that if this MSP is a member of the Scottish Government, or I am communicating on behalf of a third party, then this exemption does not apply.

unpaid - directly or indirectly

undertaken when my company/organisation had fewer than 10 full-time employees

I am aware that if I am communicating on behalf of a third party, or in a representative capacity, this exemption does not apply

during formal parliamentary proceedings of the Scottish Parliament (e.g. a meeting of a parliamentary committee) or as communication required by statute or another rule of law

in response to a request from those above (see Key Step 1) for factual information or views on a topic

during a quorate meeting of a Cross-Party Group of the Scottish Parliament

for the purposes of journalism

discussing negotiations on terms and conditions of employment

made by a political party

already exempt because my public role or the public role/functions of my organisation are listed in the Act as exempt

FIVE KEY STEPS

01

I have communicated orally and face-to-face with:

- a Member of the Scottish Parliament (MSP)
- a member of the Scottish Government
- the Scottish Government's Permanent Secretary
- a Scottish Government Special Adviser



YES



YES



YES



YES



YES



NO

This is not regulated lobbying

02

I have communicated about Scottish Government or Scottish Parliamentary functions.

NO

This is not regulated lobbying

NO

This is not regulated lobbying

03

I used the opportunity to inform or influence decisions on behalf of my organisation (or those I represent).

NO

This is not regulated lobbying

04

I am paid, representing the views of my organisation (or those I represent).

05

The other exemptions under the Act do not apply to my lobbying. (*See the checklist over).

YES

I have been carrying out regulated lobbying and need to record this on the Lobbying Register.

(Always consult the Act itself as the core reference point, particularly in more complex situations).

HOW DO I FIND OUT MORE?

Please feel free to contact the Lobbying Register Team at any time at the contact points shown below:

**Lobbying Register Team
The Scottish Parliament
Edinburgh
EH99 1SP**

0131 348 5408

lobbying@parliament.scot

www.lobbying.scot

 @SP_LobbyingScot

This document is intended as a summary of the main provisions of the Lobbying (Scotland) Act 2016 and does not purport to be a legal interpretation of the Act.

LOBBYING REGISTER | CLÀR-COITEACHAIDH



The Scottish Parliament
Pàrlamaid na h-Alba