Lobbying (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Section 1 to 51
Long Title
Schedule

Amendments marked * are new (including manuscript amendments) or have been altered.

Before section 1

Neil Findlay

1 Before section 1, insert—

Lobbying: definition

For the purposes of this Act, “lobbying” means, in a professional capacity, attempting to influence, or advise those who wish to influence, by various means of communication, a member of the Scottish Parliament, a member of the Scottish Government or a junior Scottish Minister, a special adviser, or a designated public official, on any matter within their competence.

Patricia Ferguson

Supported by: Patrick Harvie

12 In section 1, page 1, line 8, leave out <made orally> and insert <of a kind mentioned in subsection (2A) and is made>

Joe FitzPatrick

18 In section 1, page 1, line 9, leave out <or a special adviser> and insert <, a special adviser or the permanent secretary>

Patricia Ferguson

Supported by: Patrick Harvie

13 In section 1, page 1, line 9, at end insert <or a designated public official,>

Patricia Ferguson

Supported by: Patrick Harvie

15 In section 1, page 1, leave out lines 10 to 13

Patrick Harvie

17 In section 1, page 1, line 18, at end insert <, or
(c) in the course of a business or other activity carried on by the person, an individual makes a communication as an employee, director (including shadow director) or other office-holder, partner or member of the person inviting—

(i) a client,
(ii) a customer,
(iii) an employee, or
(iv) a member,

of the person to make a communication of a kind mentioned in paragraph (a) and, as a direct result, the individual mentioned in sub-paragraph (i) or (ii) makes such a communication (regardless of whether or not the subsequent communication is made on the individual’s own behalf).

(1A) In paragraph (c) of subsection (1), the individual who makes the subsequent communication mentioned in that paragraph is not to be regarded as engaging in regulated lobbying.

Neil Findlay

2 In section 1, page 1, line 18, at end insert—

<( ) A person is not to be regarded as engaging in regulated lobbying if the person—

(a) receives income for that lobbying that falls within Band A or Band G (see section (Payment for lobbying)), or
(b) when engaging in that lobbying does so for less than 20% of that person’s working time over a period of 3 months.>

Patricia Ferguson
Supported by: Patrick Harvie

14 In section 1, page 1, line 21, at end insert—

<(2A) For the purposes of this Act, “communication” includes—

(a) communication made orally and in person,
(b) “electronic communication” within the meaning of section 15(1) of the Electronic Communications Act 2000,
(c) a “traditional document” within the meaning of section 1A of the Requirements of Writing (Scotland) Act 1995, and
(d) any other communication as the Parliament may by resolution specify.

(2B) The Parliament may by resolution modify, add to or remove any of the provisions for the time being mentioned in subsection (2A).>

George Adam

23 In section 1, page 1, line 21, at end insert—

<( ) 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.>
Section 5

Neil Findlay

3 In section 5, page 3, line 18, at end insert <and
( ) a record of the individual’s employment for the past 5 years,>

Neil Findlay

4 In section 5, page 3, line 22, at end insert—
( ) a record of the employment for the past 5 years of any individual paid to
carry out regulated lobbying activity on the company’s behalf,>

Neil Findlay

5 In section 5, page 3, line 29, at end insert—
( ) a record of the employment for the past 5 years of any individual paid to
carry out regulated lobbying activity on the partnership’s behalf, and>

Neil Findlay

6 In section 5, page 3, line 32, at end insert <, and
( ) a record of the employment for the past 5 years of any individual paid to
carry out regulated lobbying activity on the person’s behalf.>

Section 6

Neil Findlay

7 In section 6, page 4, line 8, at end insert—
( ea) the band within which payment for the lobbying falls (see section (Payment for
lobbying)),

( eb) the time, recorded by the person who made the communication, spent in the
lobbying,>

After section 6

Neil Findlay

8 After section 6, insert—
<Payment for lobbying

(1) For the purposes of section 6(2)(ea), the registrant must submit to the Clerk which of the
following bands the instance of regulated lobbying falls within—

(a) where the lobbying was undertaken on the registrant’s own behalf—

<table>
<thead>
<tr>
<th>Band</th>
<th>Relevant consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Band A</td>
<td>Not more than £2,000</td>
</tr>
<tr>
<td>Band B</td>
<td>More than £2,000, but not more than £5,000</td>
</tr>
<tr>
<td>Band</td>
<td>Relevant consideration</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Band C</td>
<td>More than £5,000, but not more than £10,000</td>
</tr>
<tr>
<td>Band D</td>
<td>More than £10,000, but not more than £15,000</td>
</tr>
<tr>
<td>Band E</td>
<td>More than £15,000, but not more than £20,000</td>
</tr>
<tr>
<td>Band F</td>
<td>More than £20,000</td>
</tr>
</tbody>
</table>

(b) where the lobbying was undertaken on behalf of a company, partnership or other person—

<table>
<thead>
<tr>
<th>Band</th>
<th>Relevant consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Band G</td>
<td>Not more than £2,000</td>
</tr>
<tr>
<td>Band H</td>
<td>More than £2,000, but not more than £5,000</td>
</tr>
<tr>
<td>Band I</td>
<td>More than £5,000, but not more than £10,000</td>
</tr>
<tr>
<td>Band J</td>
<td>More than £10,000, but not more than £15,000</td>
</tr>
<tr>
<td>Band K</td>
<td>More than £15,000, but not more than £20,000</td>
</tr>
<tr>
<td>Band L</td>
<td>More than £20,000, but not more than £25,000</td>
</tr>
<tr>
<td>Band M</td>
<td>More than £25,000, but not more than £30,000</td>
</tr>
<tr>
<td>Band N</td>
<td>More than £30,000</td>
</tr>
</tbody>
</table>

(2) The amounts set out in the bands relate to payments received for an instance of lobbying over a period of six months.

**Section 15**

**Neil Findlay**

9 In section 15, page 9, line 10, at end insert—

<(( ) the values of the bands for the time being set out in section (Payment for lobbying), >

**Section 42**

**Neil Findlay**

10 In section 42, page 21, line 23, leave out subsection (5) and insert—

<((6) Where a person who has been carrying out regulated lobbying activity for 6 months or less commits an offence under subsection (1), (2) or (3), the Clerk is to give notice to the person advising of the requirement to provide information under section 8(1).>
(7) A person—
   (a) who has received notice from the Clerk under subsection (6), or
   (b) who has been carrying out regulated lobbying activity for more than 6 months,
   who commits an offence under subsection (1), (2) or (3) is liable on summary conviction
to a fine not exceeding level 3 on the standard scale.

(8) A person who, having received a fine under subsection (7), subsequently commits an
offence under subsection (1), (2) or (3)—
   (a) may be prevented from engaging in regulated lobbying activity for a period of 3
years,
   (b) is liable on summary conviction to a fine not exceeding the statutory maximum.

Section 43

Neil Findlay

11 In section 43, page 21, line 36, at end insert—

<(2A) The Parliament may make available information with a view to promoting awareness
and understanding of this Act.

(2B) The Parliament must ensure that sufficient funding is provided to make available
information under subsection (2A).>

After section 44

Joe FitzPatrick

19 After section 44, insert—

<Public awareness and understanding of Act

The Parliament may take such steps as it considers appropriate to promote public
awareness and understanding of the operation of this Act.>

Section 46

Patricia Ferguson

Supported by: Patrick Harvie

16 In section 46, page 22, line 35, at end insert—

<“designated public official” means—

(a) a person serving as a member of staff of the Scottish Administration in the
position of—
   (i) Permanent Secretary (or equivalent),
   (ii) Director-General (or equivalent),
   (iii) Director (or equivalent),
   (iv) Deputy Director (or equivalent),

(b) any other member of staff of the Scottish Administration whom the
Parliament has, by resolution, prescribed, by reference to that public
servant’s—>
(i) role,
(ii) level of remuneration, or
(iii) grade,

Joe FitzPatrick

In section 46, page 23, line 4, at end insert—

<“the permanent secretary” means the individual who serves the Scottish Government in the position of permanent secretary in the civil service of the State.>

Schedule

Joe FitzPatrick

In the schedule, page 26, line 5, at end insert—

<Communications made to member for constituency or region

1A A communication made—
(a) by an individual as an employee or in another capacity mentioned in section 1(1)(b) in the course of a business or other activity carried on by another person,
(b) on the other person’s behalf and not on behalf of a third party, and
(c) to a member of the Scottish Parliament for the constituency or the region in which any of the following are situated—
(i) a place where the person’s business is ordinarily carried on,
(ii) a place where the person’s activity is ordinarily carried on, or
(iii) the individual’s residence.

1B However, paragraph 1A does not apply where the communication is made to a member of the Scottish Parliament who is a member of the Scottish Government or a junior Scottish Minister.

1C In paragraph 1A, “constituency” and “region” are to be construed in accordance with the Scotland Act 1998.>

Joe FitzPatrick

In the schedule, page 26, line 18, at end insert—

<Communications by small organisations

3A A communication made—
(a) by an individual as an employee or in another capacity mentioned in section 1(1)(b) in the course of a business or other activity carried on by another person,
(b) on the other person’s behalf and not on behalf of a third party, and
(c) on a date when the other person has fewer than 10 full-time equivalent employees.

3B For the purposes of paragraph 3A, the number of full-time equivalent employees a person has is calculated as follows—
(a) find the total number of hours worked by all the employees of the person in the 28 days ending with the date on which the communication was made,
(b) divide that number by 140.

3C For the purposes of the calculation in paragraph 3B, any employee who worked more than 140 hours during the period of 28 days is to be treated as having worked 140 hours.

Patrick Harvie

22A As an amendment to amendment 22, at end insert—

<3D Paragraph 3A does not apply to a person who has 1 or more full-time equivalent employees and is a body which exists primarily to—

(a) represent the interests of its members and the relevant communication is made on behalf of any of the members, or

(b) take up particular issues and the relevant communication is made in the furtherance of any of those issues.>