Lobbying (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

<table>
<thead>
<tr>
<th>Section 1</th>
<th>Schedule</th>
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<tbody>
<tr>
<td>Sections 2 to 51</td>
<td>Long Title</td>
</tr>
</tbody>
</table>

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

Before section 1

Neil Findlay

14 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 parliamentary liaison officer or a designated public official, on any matter within their competence.

Section 1

Patricia Ferguson

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

Joe FitzPatrick

1 In section 1, page 1, line 8, leave out <and in person>

Joe FitzPatrick

2 In section 1, page 1, line 9, leave out <or a junior Scottish Minister> and insert <, a junior Scottish Minister or a special adviser>

Patricia Ferguson

16 In section 1, page 1, line 9, at end insert <a parliamentary liaison officer or a designated public official,>

Joe FitzPatrick

3 In section 1, page 1, line 9, at end insert—
<ia> is made in person or, if not made in person, is made using equipment which is intended to enable an individual making a communication and an individual receiving that communication to see and hear each other while that communication is being made.>

### Joe FitzPatrick

4 In section 1, page 1, line 14, after <director> insert <or other office-holder>

### Neil Findlay

17 In section 1, page 1, line 17, 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

18 In section 1, page 1, line 17, 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).>

### Joe FitzPatrick

5 In section 1, page 1, line 19, at end insert—

<( ) The Parliament may by resolution modify the schedule so as to—

(a) add a description of a kind of communications,

(b) modify or remove a description so added.>

### Schedule

### Joe FitzPatrick

6 In the schedule, page 25, line 24, leave out paragraphs 5 and 6 and insert—

<Communications made on request

A communication about a topic which is made in response to a request for factual information or views on that topic from—

(a) the person to whom the communication is made, or

(b) a person acting on behalf of that person.>
In the schedule, page 25, line 33, at end insert—

<Communications in relation to terms and conditions of employment

8A A communication made by or on behalf of a person where the communication forms part of, or is directly related to, negotiations on terms and conditions of employment of the employees of the person.

8B A communication made by or on behalf of a trade union where the communication forms part of, or is directly related to, negotiations on terms and conditions of employment of the members of the trade union.

8C In paragraph 8B, “trade union” is to be construed in accordance with section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.>

Section 2

In section 2, page 2, leave out lines 11 to 15

Section 5

19 In section 5, page 3, line 15, at end insert <and

<( ) a record of the individual’s employment for the past 5 years,>

20 In section 5, page 3, line 19, at end insert—

<( ) a record of the employment for the past 5 years of any individual paid to carry out lobbying activity on the company’s behalf,>

21 In section 5, page 3, line 26, at end insert—

<( ) a record of the employment for the past 5 years of any individual paid to carry out lobbying activity on the partnership’s behalf, and>

22 In section 5, page 3, line 29, at end insert <, and

( ) a record of the employment for the past 5 years of any individual paid to carry out lobbying activity on the person’s behalf.>

Section 6

23 In section 6, page 4, line 5, at end insert—

<(ea) the band within which payment for the lobbying falls (see section (Payment for lobbying)),>
The time, recorded by the person who made the communication, spent in the lobbying.

**After section 6**

Neil Findlay

24 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 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 6 months.

After section 14

Cameron Buchanan

25 After section 14, insert—

<Information for registrants

(1) The Clerk must ensure that active and voluntary registrants are sent—
   (a) copies of parliamentary documents,
   (b) information on parliamentary deadlines,
   (c) such other information as the Clerk considers appropriate,
       should they notify the Clerk that they wish to receive such information.

(2) The Clerk may provide inactive registrants with such information as the Clerk considers appropriate, should they notify the Clerk that they wish to receive such information.

(3) For the purposes of this section—
   “parliamentary deadlines” means—
   (a) deadlines for stages of bills,
   (b) deadlines for submitting evidence on, and lodging amendments to, bills,
   (c) deadlines for laying and consideration of Scottish Statutory Instruments and other documents subject to parliamentary procedure,
   (d) deadlines for responding to inquiries undertaken by committees or sub-committees of the Parliament,
   (e) any other deadlines as the Clerk considers relevant,
   “parliamentary documents” includes—
   (a) bills and accompanying documents,
   (b) marshalled lists and groupings,
   (c) the document currently known as the “Business Bulletin”,
   (d) any other documents as the Clerk considers relevant.

(4) For the purposes of this section, sending documents and information can include transmission by electronic means.

Section 15

Neil Findlay

26 In section 15, page 9, line 5, at end insert—

<( ) the values of the bands for the time being set out in section (Payment for lobbying).>
Section 24

Joe FitzPatrick

9 In section 24, page 13, line 17, after <to> insert <meet>

Cameron Buchanan

27 In section 24, page 13, line 29, at end insert—

<(  ) The Commissioner must ensure that information disclosed under subsection (8) is treated as confidential until such time as the Commissioner has reported upon the outcome of the investigation to the Parliament under section 22(2)(b)(ii).>

Section 42

Neil Findlay

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

<(6) Where a person who has been carrying out 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 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 lobbying activity for a period of 3 years,

(b) is liable on summary conviction to a fine not exceeding the statutory maximum.>

Section 43

Cameron Buchanan

29 In section 43, page 21, line 28, leave out <may> and insert <must>

Cameron Buchanan

30 In section 43, page 21, line 30, leave out <may> and insert <must>

Neil Findlay

31 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).>
Section 45

Joe FitzPatrick

10 In section 45, page 22, line 16, leave out second <or > and insert <of>

Section 46

Patricia Ferguson

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

<“designated public official” means—

(a) a special adviser within the meaning of section 15 of the Constitutional Reform and Governance Act 2010 (where it applies to the Scottish Ministers),

(b) 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),

(c) 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,>

Patricia Ferguson

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

<“parliamentary liaison officer” means a member of the Scottish Parliament appointed by the First Minister to support a member of the Scottish Government in the discharge of parliamentary duties,>

Joe FitzPatrick

11 In section 46, page 23, line 9, at end insert—

<“special adviser” means an individual who—

(a) holds a position in the civil service of the State,

(b) is appointed to assist one or more of the ministers mentioned in section 44(1)(a) or (b) of the Scotland Act 1998 after being selected for the appointment by the First Minister personally,

(c) has terms and conditions of appointment (apart from those by virtue of section 8(11) of the Constitutional Reform and Governance Act 2010) which are approved by the Minister for the Civil Service, and

(d) those terms and conditions provide for the appointment to end—
(i) not later than when the First Minister who selected the individual ceases to hold that office, or

(ii) where the individual is selected personally for the appointment by a person designated under section 45(4) of the Scotland Act 1998, not later than when the designated person ceases to be able to exercise the functions of the First Minister by virtue of the designation.>

Section 48

Joe FitzPatrick
12 In section 48, page 23, line 35, leave out <, in return for payment,>

After section 48

Joe FitzPatrick
13 After section 48, insert—

<Report on operation of Act

(1) The Scottish Parliament must make arrangements for one of its committees or sub-committees to report in accordance with this section to the Scottish Parliament on the operation of this Act during the review period.

(2) In this section, the “review period” means the period—

(a) beginning on the day on which section 8 comes into force, and

(b) ending 2 years after that day.

(3) The committee or sub-committee must—

(a) for the purposes of preparing its report under subsection (1), take evidence from such persons as it considers appropriate,

(b) publish its draft report under subsection (1),

(c) consult with such persons as it considers appropriate on—

(i) the draft report, and

(ii) any recommendations that it proposes to include in its final report, and

(d) before making its report under subsection (1), have regard to any representations made to it on the draft report and on any proposed recommendations.

(4) A report under subsection (1) may—

(a) be made in such form and manner as the committee or sub-committee considers appropriate,

(b) include a recommendation as to whether this Act should be amended to modify the circumstances in which a person engages in regulated lobbying, whether by adding to or modifying—

(i) section 1(1)(a)(i), in relation to the type of persons to whom a communication is made,

(ii) section 1(1)(a)(i) or (ia), in relation to the type of communication which is made,
(c) include a recommendation as to whether this Act should be amended in relation to the circumstances in which a person engaging in regulated lobbying is to provide information, to be included in the register, about expenditure incurred by the person in engaging in regulated lobbying.

(5) A report under subsection (1) must be made no later than 2 years after the end of the review period.

(6) The Scottish Parliament must publish a report made under subsection (1).

Cameron Buchanan

13A As an amendment to amendment 13, line 8, leave out <2 years> and insert <1 year>

Cameron Buchanan

13B As an amendment to amendment 13, line 32, leave out <2 years> and insert <1 year>

Section 50

Cameron Buchanan

34* In section 50, page 24, line 18, at end insert—

<( ) The Scottish Ministers may not appoint, as a day for section 8 to come into force, a day earlier than 3 months after the day on which the Clerk has established the register under section 3.>

Cameron Buchanan

35* In section 50, page 24, line 18, at end insert—

<( ) The Scottish Ministers may not appoint, as a day for section 8 to come into force, a day earlier than 3 months after the day on which Guidance is first published under section 43(1).>