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Standards, Procedures and Public Appointments Committee

Complaint against Salmon Scotland under the Lobbying (Scotland) Act 2016



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Standards, Procedures and Public Appointments Committee

To consider and report on the following —
a. the practice and procedures of the Parliament in relation to its business;
b. whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
c. the adoption, amendment and application of any Code of Conduct for members;
d. matters relating to public appointments in Scotland;
e. matters relating to the regulation of lobbying.

(f) matters falling within the responsibility of the Minister for Parliamentary Business and Veterans


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Introduction

1. The Committee considered a report from the Commissioner for Ethical Standards in Public Life in Scotland on a complaint from Green Britain Foundation about Salmon Scotland concerning alleged breaches of the Lobbying (Scotland) Act 2016.

2. The Commissioner for Ethical Standards in Public Life in Scotland investigated the complaint and reported his findings to the Committee.

3. This is the first occasion on which the Commissioner has submitted a report to the Parliament on a complaint under the 2016 Act.

4. Annexe A contains the Commissioner's report and appendices. Annexe B contains additional representations submitted by Salmon Scotland to the Committee.

5. Tim Eagle has recused himself from the consideration concerning the resolution of the complaint.

The rules

6. The Lobbying (Scotland) Act 2016 was enacted to fulfil the Government's objective of increasing the public transparency of elected representatives' activity [1] . The Act created a statutory framework governing certain types of lobbying activity.

7. That activity is defined in the Act and is described as regulated lobbying. Those who engage in regulated lobbying must record details of their activity in the Lobbying Register. This includes information on who was lobbied, when the interaction took place, and its purpose.

8. The parliamentary guidance issued under the 2016 Act [2] describes regulated lobbying as—

> Face-to-face oral communication with any of the following people, when discussing Scottish Government or parliamentary functions:
>
> - a member of the Scottish Parliament (MSP)
> - a member of the Scottish Government (Cabinet Secretaries and Scottish Law Officers)
> - a junior Scottish Minister
> - a Scottish Government Special Adviser; or
> - the Scottish Government's Permanent Secretary

9. The Act also sets out a number of exemptions for instances in which face-to-face oral communications would not be considered regulated lobbying. These are communications—

- made by individuals raising issues on their own behalf
- made during discussions with (most) local MSPs
- made by those who are unpaid
- made by those representing some small organisations
- made in formal proceedings of the Scottish Parliament or required under statute
- made in response to requests for factual information or views on a topic (from an MSP, Minister, Law Officer, etc.)
- made during quorate meetings of Cross-Party Groups of the Scottish Parliament
- made for the purposes of journalism
- made during negotiations about terms and conditions of employment

- made by political parties and some public figures, bodies and professions

10. The Act places a duty on the Ethical Standards Commissioner to investigate and report on admissible complaints. This covers alleged failures around—

    - the requirements to register following a first instance of regulated lobbying
    - the accuracy and completeness of Registration information provided
    - the accuracy and completeness of Information Returns provided
    - the accuracy and completeness of information provided in response to an Information Notice.

Parliament's action on receipt of a report and the power to censure

11. When the Ethical Standards Commissioner has completed an investigation, a report is made to the Committee which must then consider that report. Where the Committee recommends censure of any person who is the subject of a report, such censure may only be imposed by the Parliament.

12. Section 40 of the Act outlines the actions which the Parliament may take to dispose of complaints. These are—

- to censure the person who is the subject of the report (in this case Salmon Scotland)
- to take no further action.

13. Under section 4 of the Lobbying (Scotland) Act 2016 (Reporting Procedures) Resolution 2017, where the Committee recommends censure of any person who is subject of a report, such censure may only be imposed by Parliament:

1. in pursuance of a motion to that effect by a member of the Committee, and
2. after notice of that motion has been given to the Parliament by a member of the Committee.

14. The Act does not define the term censure and there is no discussion of this term in the supporting documents or the official reports covering the passage of the Bill through the Scottish Parliament. In this case the most authoritative source is the ordinary meaning of the word. According to the Oxford English Dictionary, censure means—

- the giving of an adverse or disapproving judgement about something; (the expression of) severe criticism, blame, or condemnation.
- a formal statement of reprimand, disapproval, or condemnation of a person, action, etc., typically as a form of disciplinary action by a legislative body, professional organization, etc.

The complaint

15. The Commissioner has reported to the Committee on the following complaint—

On 25 October 2023, the respondent [Salmon Scotland represented by CEO Mr Tavish Scott] met with Mr Mountain MSP at Parliament to request that Mr Mountain MSP publicly retract in Parliament the comments he made about the aquaculture industry at a meeting of the Parliament on 12 September 2023. The respondent did not submit an information return for this meeting, contrary to the requirements of section 11 of the Act [Lobbying (Scotland) Act 2016].

16. The relevant meeting of the Parliament on 12 September 2023 was a debate on a motion celebrating the resilience of Scotland's food and drink sector. According to Edward Mountain MSP, the 25 October meeting arose from Salmon Scotland's allegation that he "had used the wrong figures and not the ones the industry had provided on antibiotic use" during the 12 September 2023 debate.

The tests applied by the Commissioner to determine whether regulated lobbying had taken place

17. To determine whether regulated lobbying has taken place, the Commissioner applied the tests outlined in the Parliamentary Guidance on regulated lobbing. The report notes that the application of Steps 1 and 4 is uncontentious given that the meeting took place face to face (Step 1) and because Mr Scott is a paid representative of Salmon Scotland (Step 4).

18. During the investigation, Salmon Scotland argued that the communication was not regulated lobbying because —

    - the meeting and communications during the meeting were not related to Scottish Government or Scottish Parliamentary functions **(Step 2)**
    - the respondent (represented by Mr Scott) did not use the meeting to inform or influence decisions on behalf of Salmon Scotland **(Step 3)**
    - the meeting on 25 October 2023 fell within the exemption for communications made in response to a request for information or views **(Step 5)**

19. The Commissioner analysed the application of these rules in turn. Below is a summary of the analysis.

<u>Step 2: Was the meeting and communications at the meeting in relation to Scottish Government or Scottish parliamentary functions?</u>

20. Salmon Scotland argued that the request for a correction of Mr Mountain MSP's statement is "highly unlikely to fall within [Step 2] and as such [the] request is not a relevant government or parliamentary function at all". This is because "MSPs have personal responsibility to be accurate in their contributions to the Scottish Parliament".

21. The Commissioner considered that Salmon Scotland's request for a correction is related to parliamentary functions. The is because a correction "would have involved Mr Mointain MSP correcting the official record […] and more likely on the balance of probabilities, in the view of the Commissioner, retracting his statement at a future meeting of the Parliament".

22. The Commissioner concluded that Step 2 is met and that "it would be a nonsensical outcome if the correction of a statement made by an MSP in chambers is not considered a parliamentary function, for the purposes of the Act".

<u>Step 3: Did the respondent, as represented by Mr Scott, use the meeting to inform or influence decisions on behalf of Salmon Scotland?</u>

23. Salmon Scotland's position is that the request for the retraction is not "a situation where a decision is being 'influenced' as envisaged by step 3 […]; it is at the most a request that the MSP engages (as the MSP should) with their parliamentary

obligations".

24. The report states that "Mr Mountain MSP understood the request was to "bully" (in his words) and force an outcome".

25. The Commissioner considers that "Mr Scott, on behalf of the respondent, did use the meeting to attempt to influence Mr Mountain MSP to withdraw his comments publicly and correct the Official Report" given that "Mr Scott said, immediately prior to his request, that there would be consequences if Mr Mountain MSP does not do so"—

> "The Board are very unhappy with you and are willing to take action against you, unless you retract your comments in Parliament." [3]

26. The Commissioner concluded that Step 3 is met.

Step 5 exemption: Was the 25 October 2023 meeting in response to a request for information or views?

27. The Commissioner's report states that "there are conflicting views" between Mr Scott and Mr Mountain MSP "as to who requested the meeting on 25 October 2023 and its purported purpose".

28. Mr Scott said that he "attended the meeting of 25 October 2023 in order to provide factual information on request to Mr Mountain". Mr Mountain MSP considers that "he did not request the meeting" and that "the reason for the meeting on 25th October was because I had been critical of salmon farming in Scotland and Mr Scott contacted me to tell me that I had used the wrong figures and not the ones the industry had provided on antibiotic use".

29. After analysing the evidence available, the Commissioner "considers that on balance the meeting was not to discuss any request for information, as any request for information was already made in writing" and replied to previously. On this basis, "the Commissioner does not consider there was any request for information that was outstanding at the time of the meeting on 25 October 2023".

30. For this reason, "the Commissioner does not find it credible that the purpose of the meeting on 25 October 2023 was for the respondent (as represented by Mr Scott) to provide data or information as requested by Mr Mountain MSP".

The Commissioner's findings

31. The Commissioner's conclusion is that Salmon Scotland's meeting of 25 October 2023 with Mr Mountain MSP was regulated lobbying. For this reason, Salmon Scotland should have provided an information return pursuant to section 11 of the Act. By not submitting an information return, Salmon Scotland has failed to comply with the requirements of the Lobbying (Scotland) Act 2016.

Committee consideration of the Commissioner report

32. The Committee met on 24 September 2025, 8 October and 26 November 2026 to consider the Commissioner's report.

33. Under Section 27 of the Act, the Committee is not bound by the facts found by the Commissioner in the report and may direct the Commissioner to carry out further investigations as it may specify.

34. On 25 September 2026, the Convener wrote to the respondent (Salmon Scotland) to invite them to "provide any additional comments [they] may wish to make beyond those already set out in its previous representations". On 30 September 2026 Salmon Scotland provided additional representations. These are included in Annexe B.

Decision of the Committee

35. In reaching our conclusion, we considered all the representations provided by Salmon Scotland against the Commissioner's findings. Our deliberations focused on the following key issues—

    1. The detailed presentation of the Commissioner's investigation and findings of fact.

    2. Whether correcting the Official Report is a parliamentary function of an MSP. The Official Report is the authoritative, substantially verbatim record of what is said in parliamentary proceedings and is a requirement of the Scotland Act and Standing Orders. Published guidance on the process for seeking a correction to the Official Report references the steps that an MSP can take to ensure that any correction they request is highlighted. These include writing to the Presiding Officer and to other MSPs. It is clear to the Committee that correcting the Official Report in the manner requested by Salmon Scotland is a parliamentary function of an MSP.

    3. Whether Salmon Scotland's request that Edward Mountain MSP "engages […] with [his] parliamentary obligations" is an attempt to influence an MSP. We concluded that this was a straightforward attempt to influence an MSP.

    4. The purpose of the 25 October meeting between Edward Mountain MSP and Salmon Scotland (represented by Tavish Scott). We concluded that it appears unlikely, based on the facts, that Salmon Scotland used this meeting to simply provide "information or views".

36. The Committee agrees with the Commissioner's findings of fact and was unanimous in its decision on that Salmon Scotland breached its obligations under the Lobbying (Scotland) Act 2016.

37. Lobbying is a legitimate part of the democratic process. Individuals and organisations should be able to engage with decision makers to present their views. However, where such engagements amount to regulated lobbying, they must be conducted and registered in accordance with the law.

38. Regulated lobbying must be recorded and made publicly available so that the public can see who is seeking to influence political decisions, on whose behalf, and in relation to which matters. This contributes directly to the transparency, propriety and accountability of the Parliament's work.

39. Compliance with the lobbying rules is not merely an administrative requirement. Failure to register regulated lobbying prevents the public from having a complete and accurate account of attempts to influence political decision-making. This weakens public confidence in the integrity of the parliamentary processes.

40. The Committee considers that the breach in this case warrants a formal sanction. In reaching this view, we have considered the Commissioner's findings, the representations made by Salmon Scotland and the circumstances in which the breach has occurred.

41. **The Committee recommends that the Parliament censures Salmon Scotland for failing to comply with the requirements of the Lobbying (Scotland) Act 2016.**

Annex A: Report from the Ethical Standards Commissioner

Report from the Ethical Standards Commissioner.

Annex B: Representations from Salmon Scotland

Representation from Salmon Scotland on the Commissioner's report considered at the SPPA Committee meeting on 8 October 2026

Thank you for your letter of 25th September, providing Salmon Scotland with the opportunity to make further representations to the Committee. I am replying as Chief Executive of Salmon Scotland.

We are very grateful for the Committee's attention to this matter. While we did seek to address all relevant issues in our representations to the Ethical Standards Commissioner's (**ESC**) report we would be grateful if the Committee would take account of the following matters in considering the ESC's report:

Salmon Scotland has assiduously complied with its statutory duties and as set out in detail in its submissions, has maintained a robust and compliant practice in respect of its obligations under the Lobbying (Scotland) Act 2016.

- The correct respondent for the ESC investigation is Salmon Scotland, contrary to what was stated in earlier versions of the report.

- This investigation concerns a matter of real importance; that is a request that an MSP corrects the parliamentary record. This is not a matter on which there is any guidance. It is not obviously an instance of 'lobbying' as the Parliament should support members of civil society engaging with MSPs on factual accuracy. It is equally important that the parliamentary record is itself accurate.

In our view the ESC did not reflect sufficiently on this issue at the outset of its investigation. It did not appear to have occurred to the ESC (until raised by Salmon Scotland) that such requests to correct the parliamentary record, does not fall within the statutory lobbying scheme.

The report is clear that it is the request to correct the record, and only that, which is categorised as an "attempt to influence". It therefore follows that the appropriate treatment of such request is pivotal to the outcome. The report does not address itself to the question of whether such a request is or should be in scope for lobbying. We believe that to extend "lobbying" regulation in this way would not be a positive development.

We are very grateful to the Committee for taking the time to consider this additional submission.

Annex B: Letter from the Convener of the SPPA Committee

Letter from the Convener of the SPPA Committee dated 25 September 2026 to Salmond Scotland inviting representations following the Commissioners report

PRIVATE AND CONFIDENTIAL

At its meeting on 24 September 2026, the Committee carried out in private its initial consideration of a report by the Ethical Standards Commissioner regarding a complaint made against Salmon Scotland.

The Committee had sight of the representations made by Salmon Scotland on the draft report prepared by the Ethical Standards Commissioner.

Following its initial consideration of the report, the Committee has agreed to invite Salmon Scotland to provide any additional comments it may wish to make beyond those already set out in its previous representations. If you wish to make any further written representations, I would be grateful if these could be submitted by Friday 2 October 2026.

The next Committee session on this matter is scheduled on Thursday 8 October 2026.

If you have any questions, or if the timescale for replying to this letter causes you any difficulties, please do not hesitate to contact me.

[1] The Scottish Parliament. (2015). Lobbying (Scotland) Bill - Policy Memorandum, paragraph 2. Retrieved from https://webarchive.nrscotland.gov.uk/public/+/archive2021.parliament.scot/parliamentarybusiness/Bills/93324.aspx

[2] The Scottish Parliament . (2026). Detailed guidance on what counts as regulated lobbying, exemptions, and how to comply - Parliamentary Guidance 2nd Edition. Retrieved from https://lobbying.scot/api/documents/f0f72035-baa1-4c66-8e23-aed0f813468a

[3] The Scottish Parliament - Rural Affairs and Islands Committee . (2024). Official Report - 2 October 2024. Retrieved from https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/efw-02-10-2024?meeting=16039&iob=136946

