



The Scottish Parliament
Pàrlamaid na h-Alba

Lobbying Register | Clàr-coiteachaidh

Frequently Asked Questions (FAQs)



Where to find other sources of help

Parliamentary guidance on the Act

[Parliamentary Guidance](#) sets out the guidance on **regulated lobbying** as introduced by the Lobbying (Scotland) Act 2016.

If in doubt you should always consult the Parliamentary Guidance and the Act itself as the core reference points, particularly in more complex situations. You may also wish to contact the Lobbying Register Team for assistance.

Using the online Lobbying Register

Guidance to help you use the online Lobbying Register is provided at www.lobbying.scot.

Common Scenarios

This document provides a series of examples to help you understand the Lobbying (Scotland) Act 2016.

What is the Lobbying (Scotland) Act 2016?

The Act was passed by the Scottish Parliament in March 2016 to regulate specified types of lobbying, known as regulated lobbying.

What is regulated lobbying?

Regulated lobbying means face-to-face communication about Scottish Government or parliamentary functions with any of the following people:

- Members of the Scottish Parliament (MSPs)
- Members of the Scottish Government (including Cabinet Secretaries, junior Scottish Ministers and the Scottish Law Officers);
- Scottish Government Special Advisers; and
- the Scottish Government's Permanent Secretary

How do we know if we are carrying out 'regulated' lobbying?

Use the **5 Key Steps** in the parliamentary guidance along with the Act as your core reference points. If you are still unsure you can contact the Lobbying Register team at the Scottish Parliament who may be able to assist (although it is for you and your organisation to make the final judgment).

Who is required to register?

Any individual or organisation that engages in face-to-face communication with MSPs, Scottish Government Ministers, Special Advisers or the Scottish Government's Permanent Secretary could be considered to be undertaking regulated lobbying if discussing Scottish Government or parliamentary functions and acting in a paid capacity.

Why only face-to-face communications and not letters, emails, telephone calls?

The final scope of the Act was agreed by the Parliament after debate and consultation on a Bill during 2015-16.

What about people who use sign language?

The Act provides that regulated lobbying also applies to communications made in BSL or other forms of signs.

Why does the Act not place restrictions on civil servants and Ministers who leave and become lobbyists?

This was not part of the Bill. Other existing codes regulate these matters and the legislation was not intended to replace or alter those codes.

- Civil servants and Special Advisers are covered by the UK Civil Service Code.
- Scottish Ministers are covered by the Scottish Ministerial Code.
- Scottish Ministers are also required to seek advice from the Advisory Committee on Business Appointments.

Lobbying Register | Clàr-coiteachaidh

How do I access the Lobbying Register?

The Register is accessible online at www.lobbying.scot

Do all conversations I have with any of the individuals covered by the Act require our organisation to submit an Information Return?

No. There are a number of exemptions that may apply when considering whether you or your organisation has undertaken regulated lobbying.

For further information on each of these exemptions please consult the Parliamentary Guidance.

My organisation has no office in Scotland. Do we need to register? It does not matter where your organisation is based. If you engage in regulated lobbying as defined by the Act then you are required to register.

What is the cost to an organisation for registering?

There is no registration fee and the Lobbying Register is also free for anyone to search online at www.lobbying.scot

How many registrations are you anticipating?

There is a current working assumption of somewhere in the high hundreds to low thousands.

What if I have a question regarding the information I would like to include in my return?

The Lobbying Register Team can be contacted either by telephone or email:

- Telephone: 0131 348 5408
- Email: lobbying@parliament.scot

If I have been submitting Information Returns regularly, do I need to do anything in relation to the 6 monthly reminders generated by the lobbying register system?

Even if you have submitted information returns more frequently and the Lobbying Register is already up-to-date for the relevant period, you will still need to log-in to confirm that your registration details are up-to-date.

What happens during a Scottish Parliament Election?

MSPs term of office ends with the dissolution of the Parliament. Scottish Ministers, the Permanent Secretary and retained special advisers continue to hold office during the election period.

The Presiding Officer and Deputy Presiding Officers also continue to serve in post during dissolution.

Lobbying Register | Clàr-coiteachaidh

Will all information submitted be published on the Lobbying Register? Yes. However, if you have concerns about the inclusion of sensitive personal data in a return please contact the Lobbying Register team to discuss.

What sanctions can be applied in the event of non-compliance with the Act?

There are three tiers of compliance with the Act:

- The Lobbying Registrar can issue an Information Notice to anyone reported to have been engaged in regulated lobbying where this has not been registered.
- The Commissioner for Ethical Standards in Public Life in Scotland can investigate complaints about non-compliance with the Act and submit a report to Parliament upon conclusion of an investigation. Ultimately, the Parliament could then censure the subject of the Commissioner's report.
- Non-compliance could also result in criminal prosecution and the application of penalties.

If I get an Information Notice, do I have to disclose everything asked for?

Section 18 of the Act does not require you to supply information which would disclose evidence of the commission of an offence (other than an offence under section 42 of this Act relating to registration and information returns).

Section 18 also provides that a person is not required to supply information which the person would otherwise be entitled to refuse to supply in proceedings in a court in Scotland.

Are complaints treated in confidence?

It is for the Commissioner to decide whether to release the name of the complainant to those they are complaining about.

The Commissioner will in any case write to notify the person being complained about and explain the nature of the complaint.

Can I withdraw a complaint?

Yes, at any time before the Commissioner reports to the Parliament. The process will stop unless the Parliament directs the Commissioner to continue the investigation.

Who is responsible for the Parliamentary Guidance and when does it get reviewed?

The Clerk of the Scottish Parliament is responsible for the Parliamentary Guidance. It will be updated and consulted on by the Lobbying Registrar as required.

I heard there is to be a review of the Act in 2020 – who is responsible in Parliament for the operation of the Act in the meantime?

The Standards, Procedures and Public Appointments (SPPA) Committee now has responsibility for scrutiny of regulation of lobbying as part of its remit. It will be responsible for bringing forward any Lobbying Resolutions required to set up and

Lobbying Register | Clàr-coiteachaidh

implement the Lobbying Register. To distinguish this role from the statutory review of the Act, another committee of the Parliament will conduct the review.

If major changes were required to this Act who will deal with these? The review of the operation of the Act, starting in 2020, could make recommendations requiring changes to the current Act. If significant changes are required this is likely to require a new Bill to amend the existing Act.

Who is responsible for the Code of Conduct and when does it get reviewed?

The Clerk of the Scottish Parliament is responsible for the Code of Conduct. It will be updated by the Lobbying Registrar as required.