



THE LOBBYING (SCOTLAND) ACT 2016

What is the Lobbying (Scotland) Act 2016?

It is an Act of the Scottish Parliament which creates a Lobbying Register and introduces new duties to register lobbying activity.

When does it come into force?

It will be fully in force from Monday 12 March 2018. On that date the duties to provide information to the Lobbying Registrar take effect and new criminal offences relating to failures to provide information also come into play.

The Lobbying Register will be available for a 'familiarisation' period beginning on 23 October 2017.

What lobbying activity is covered?

The 2016 Act is concerned with face to face communications (including video conferencing, Skype but not telephone conversations) with Members of the Scottish Parliament, Scottish Government Ministers, special advisers and the permanent secretary to the Scottish Government. A communication is regulated by the Act if it relates to Government or parliamentary functions.

🗨️ A communication may be **'regulated lobbying'** even if it is very informal – it can include conversations at **parliamentary receptions, at conferences or trade events or even in the street.**

This is a potentially very wide category of communications and includes discussions about:

- New legislation in the Scottish Parliament or changes to existing legislation
- Scottish Government policies including proposals for new policies or changes to existing policies
- Decisions by Scottish Government about contracts, grants, financial assistance or licences
- Speeches or votes in the Scottish Parliament

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Who is covered?

A person who communicates with an MSP or Minister in the course of their job is covered by the Act. Communications by a person who is not paid at all won't be covered.

There are some specific exemptions including exemptions for communications made by small organisations (with fewer than 10 full time equivalent employees), for journalists, for judges and other public authorities.

A communication is not covered if it is about a topic and it is "made in response to a request for factual information or views on that topic".



What must be registered?

On a six monthly basis a return must be made to the Lobbying Registrar setting out each separate occasion on which you or your organisation has engaged in regulated lobbying and including information about:

- The name of the person lobbied
- The date on which they were lobbied
- The location at which they were lobbied
- A description of the meeting, event or other circumstance in which the lobbying occurred
- The name of the person from your organisation who did the lobbying
- Confirmation of whether the lobbying was carried out on your organisation's own behalf or for someone else
- The purpose of the lobbying

This information will be made public in the Register – which is free to search online.

How to prepare?

Guidance is available from the Scottish Parliament's Lobbying Registrar's team here:

www.parliament.scot/gettinginvolved/101810.aspx

Key contact

Brodies will be offering client seminars on the 2016 Act early in the New Year. If you would like to be invited to a seminar, or would like specific advice for your organisation, please contact Christine O'Neill.



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Please note: This briefing is for information purposes only and does not constitute legal advice.



Did you know?

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