



Lobbying (Scotland) Act 2016

2016 asp 16

PART 1

CORE CONCEPTS

1 Regulated lobbying

- (1) For the purposes of this Act, a person engages in regulated lobbying if—
 - (a) the person makes a communication which—
 - (i) is made orally to a member of the Scottish Parliament, a member of the Scottish Government, a junior Scottish Minister, a special adviser or the permanent secretary,
 - (ii) 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,
 - (iii) is made in relation to Government or parliamentary functions, and
 - (iv) is not a communication of a kind mentioned in the schedule, or
 - (b) in the course of a business or other activity carried on by the person, an individual makes such a communication as an employee, director (including shadow director) or other office-holder, partner or member of the person.
- (2) Where a person engages in regulated lobbying by virtue of paragraph (b) of subsection (1), the individual mentioned in that paragraph is not to be regarded as engaging in regulated lobbying.
- (3) 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.
- (4) For the purposes of subsection (1), it does not matter whether the communication occurs in or outwith Scotland.
- (5) 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.

2 Government or parliamentary functions

- (1) Government or parliamentary functions are—
- (a) the development, adoption or modification of any proposal to make or amend primary legislation in the Parliament,
 - (b) the development, adoption or modification of any proposal to make a Scottish statutory instrument,
 - (c) the development, adoption or modification of any policy of the Scottish Ministers or other office-holder in the Scottish Administration,
 - (d) the making, giving or issuing by the Scottish Ministers or other office-holder in the Scottish Administration of, or the taking of any other steps by the Scottish Ministers or office-holder in relation to—
 - (i) any contract or other agreement,
 - (ii) any grant or other financial assistance, or
 - (iii) any licence or other authorisation,
 - (e) speaking, lodging a motion, voting or taking any other step in relation to a matter raised in proceedings of the Parliament,
 - (f) representing as a member of the Parliament the interests of persons other than in proceedings of the Parliament.
- (2) But the retained functions of the Lord Advocate (within the meaning of section 52(6) of the Scotland Act 1998) are not Government or parliamentary functions for the purposes of this Act.