

*Changes to legislation: There are currently no known outstanding effects for the Lobbying (Scotland) Act 2016, SCHEDULE. (See end of Document for details)*

## SCHEDULE **S**

*(introduced by section 1)*

### COMMUNICATIONS WHICH ARE NOT LOBBYING

#### *Communications made on individual's own behalf*

1 A communication made by an individual on the individual's own behalf.

#### **Commencement Information**

**I1** Sch. para. 1 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

#### *Communications made to member for constituency or region*

2 A communication made—

- (a) by an individual as an employee or in another capacity mentioned in section 1(1)(b) in the course of a business or other activity carried on by another person,
- (b) on the other person's behalf and not on behalf of a third party, and
- (c) to a member of the Scottish Parliament for the constituency or the region in which any of the following are situated—
  - (i) a place where the person's business is ordinarily carried on,
  - (ii) a place where the person's activity is ordinarily carried on, or
  - (iii) the individual's residence.

#### **Commencement Information**

**I2** Sch. para. 2 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

3 However, paragraph 2 does not apply where the communication is made to a member of the Scottish Parliament who is a member of the Scottish Government or a junior Scottish Minister.

#### **Commencement Information**

**I3** Sch. para. 3 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

4 In paragraph 2, “constituency” and “region” are to be construed in accordance with the Scotland Act 1998.

#### **Commencement Information**

**I4** Sch. para. 4 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

#### *Communications not made in return for payment*

5 A communication made by an individual who is not making it in return for payment.

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**Commencement Information**

**I5** Sch. para. 5 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

- 6 For the purposes of paragraph 5—
- (a) a communication made by an individual as an employee or in another capacity mentioned in section 1(1)(b) is made in return for payment if the individual receives payment in that capacity regardless of whether the payment relates to making communications,
  - (b) “payment”—
    - (i) means payment of any kind, whether made directly or indirectly for making the communication,
    - (ii) includes entitlement to a share of partnership profits,
    - (iii) does not include reimbursement for travel, subsistence or other reasonable expenses related to making the communication.

**Commencement Information**

**I6** Sch. para. 6 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

*Communications by small organisations*

- 7 A communication made—
- (a) by an individual as an employee or in another capacity mentioned in section 1(1)(b) in the course of a business or other activity carried on by another person,
  - (b) on the other person's behalf and not on behalf of a third party, and
  - (c) on a date when the other person has fewer than 10 full-time equivalent employees.

**Commencement Information**

**I7** Sch. para. 7 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

- 8 However, paragraph 7 does not apply where the communication is made in the course of a business or other activity carried on by a person if one of the person's principal purposes is to represent the interests of other persons.

**Commencement Information**

**I8** Sch. para. 8 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

- 9 For the purposes of paragraph 7, the number of full-time equivalent employees a person has is calculated as follows—
- (a) find the total number of hours worked by all the employees of the person in the 28 days ending with the date on which the communication was made,
  - (b) divide that number by 140.

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**Commencement Information**

**I9** Sch. para. 9 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

- 10 For the purposes of the calculation in paragraph 9, any employee who worked more than 140 hours during the period of 28 days is to be treated as having worked 140 hours.

**Commencement Information**

**I10** Sch. para. 10 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

*Communications in Parliament or required under statute.*

- 11 A communication—  
(a) made in proceedings of the Parliament,  
(b) required under any statutory provision or other rule of law.

**Commencement Information**

**I11** Sch. para. 11 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

*Communications made on request*

- 12 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.

**Commencement Information**

**I12** Sch. para. 12 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

*Cross-party groups*

- 13 A communication made in the course of a meeting of a group recognised as a cross-party group by the Parliament.

**Commencement Information**

**I13** Sch. para. 13 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

*Journalism*

- 14 A communication made for the purposes of journalism.

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**Commencement Information**

**I14** [Sch. para. 14](#) in force at 12.3.2018 by [S.S.I. 2018/73](#), [reg. 2](#)

*Communications in relation to terms and conditions of employment*

- 15 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.

**Commencement Information**

**I15** [Sch. para. 15](#) in force at 12.3.2018 by [S.S.I. 2018/73](#), [reg. 2](#)

- 16 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.

**Commencement Information**

**I16** [Sch. para. 16](#) in force at 12.3.2018 by [S.S.I. 2018/73](#), [reg. 2](#)

- 17 In paragraph 16, “trade union” is to be construed in accordance with section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

**Commencement Information**

**I17** [Sch. para. 17](#) in force at 12.3.2018 by [S.S.I. 2018/73](#), [reg. 2](#)

*Communications by political parties*

- 18 A communication made by or on behalf of a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.

**Commencement Information**

**I18** [Sch. para. 18](#) in force at 12.3.2018 by [S.S.I. 2018/73](#), [reg. 2](#)

*Communications by judiciary*

- 19 A communication made by or on behalf of—  
 (a) a holder of judicial office within the United Kingdom,  
 (b) a member of the judiciary of an international court.

**Commencement Information**

**I19** [Sch. para. 19](#) in force at 12.3.2018 by [S.S.I. 2018/73](#), [reg. 2](#)

- 20 In paragraph 19—

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“holder of judicial office within the United Kingdom” means—

- (a) a judge of a court established under the law of any part of the United Kingdom,
- (b) a member of a tribunal established under the law of any part of the United Kingdom,

“member of the judiciary of an international court” means a judge of the International Court of Justice or a member of another court or tribunal which exercises jurisdiction, or performs functions of a judicial nature, in pursuance of—

- (a) an agreement to which the United Kingdom or Her Majesty's Government in the United Kingdom is party, or
- (b) a resolution of the Security Council or General Assembly of the United Nations.

**Commencement Information**

**I20** Sch. para. 20 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

*Communications by Her Majesty*

21 A communication made by or on behalf of Her Majesty.

**Commencement Information**

**I21** Sch. para. 21 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

*Government and Parliament communications etc.*

22 A communication made by or on behalf of—

- (a) a member of the Scottish Parliament,
- (b) the Scottish Ministers or other office-holder in the Scottish Administration,
- (c) a local authority,
- (d) any other Scottish public authority within the meaning of the Freedom of Information (Scotland) Act 2002,
- (e) a member of the House of Commons,
- (f) a member of the House of Lords,
- (g) Her Majesty's Government in the United Kingdom,
- (h) a member of the National Assembly for Wales,
- (i) the Welsh Assembly Government,
- (j) a member of the Northern Ireland Assembly,
- (k) the First Minister of Northern Ireland, the deputy First Minister of Northern Ireland, the Northern Ireland Ministers or any Northern Ireland department,
- (l) any other public authority within the meaning of the Freedom of Information Act 2000,
- (m) a State other than the United Kingdom,
- (n) an institution of the European Union,
- (o) an international organisation.

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**I22** Sch. para. 22 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

- 23 In paragraph 22—
- “international organisation” means—
- (a) an international organisation whose members include any two or more States, or
  - (b) an organ of such an international organisation,
- “State” includes—
- (c) the government of any State, and
  - (d) any organ of such a government,
- and references to a State other than the United Kingdom include references to any territory outwith the United Kingdom.

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**Commencement Information**

**I23** Sch. para. 23 in force at 12.3.2018 by S.S.I. 2018/73, reg. 2

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