

## **POLICY NOTE**

### **THE LOBBYING (SCOTLAND) ACT 2016 (COMMENCEMENT No. 1) REGULATIONS 2017**

#### **SSI 2017/201 (C. 18)**

1. The above instrument is made in exercise of the powers conferred by section 52(2) of the Lobbying (Scotland) Act 2016. It is laid under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

#### **Policy Objectives**

2. The Lobbying (Scotland) Act 2016 (“the Act”) provides for a register of lobbying activity in Scotland. The Lobbying (Scotland) Act 2016 (Commencement No. 1) Regulations 2017 (“the Regulations”) are anticipated to be followed by one further instrument to commence provision in the Act not already commenced.

3. The Clerk of the Scottish Parliament is responsible for the operation and maintenance of the lobbying register and the Parliament itself has a role in oversight of the registration regime. The Parliament is therefore overseeing implementation of the Act in practice, in particular the introduction and subsequent operation of the lobbying registration process. In light of this, the Act includes powers for the Parliament, subject to consultation with the Scottish Ministers, to make further provision about operational arrangements in connection with the lobbying register by resolution. The Act also provides for the Parliament to issue directions to the Commissioner for Ethical Standards in Public Life in Scotland (“the Commissioner”) in connection with the Commissioner’s functions under the Act (i.e. investigating complaints of failure to adhere to the registration, reporting and associated requirements imposed by the Act and to report to Parliament).

4. The Parliamentary authorities propose to promote certain resolutions and directions shortly after the Parliament’s 2017 Summer Recess. They also propose to pave the way for: publication of guidance on the operation of the Act; publication of a Code of Conduct for persons lobbying Members of the Parliament; and for the Parliament to promote public awareness and understanding of the Act. Following discussion with the Parliamentary authorities, Ministers are therefore in the Regulations commencing provision in the Act underpinning such activity. The Regulations provide for the following provisions of the Act to be commenced on 6th September 2017:-

- section 15 (power to specify requirements about the register)
- section 20 (power to make further provision about information notices)
- section 31 (directions to the Commissioner)
- section 41 (power to make further provision about Parliament’s procedures etc)

- section 43 (Parliamentary guidance)
- section 44 (Code of conduct for persons lobbying MSPs)
- section 45 (Public awareness and understanding of Act)
- section 49(1) and (3) (application of the Act to trusts: references in Parts 2 and 3 of Act to “person” to be read as references to trustees of a trust).

### **Consultation**

5. The Parliament has been working closely with the Scottish Government on plans for implementing the Act. No further consultation has been undertaken as the Regulations commence provision that was subject to public scrutiny during the passage of the Bill for the Act. The Parliament is encouraging stakeholder involvement throughout the implementation process.

### **Impact Assessments**

6. Relevant impact assessments arising from the statutory framework were scrutinised during the passage of the Bill which preceded the Act.

### **Financial Effects**

7. The financial effects of the statutory framework were scrutinised during the passage of the Bill which preceded the Act.

Scottish Government  
Directorate for Strategy and Constitution  
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