

2017 No. 376

SCOTTISH PARLIAMENT

**The Lobbying (Scotland) Act 2016 (Reporting Procedures)
Resolution 2017**

Made - - - - *1st November 2017*

Coming into force in accordance with paragraph (a)

That the Parliament—

- (a) in exercise of the power conferred by section 41 of the Lobbying (Scotland) Act 2016 (“the 2016 Act”) resolves that with effect from the day after this Resolution is made the provisions which are contained in paragraphs 1 to 4 of this Resolution shall come into force; and
- (b) notes that in accordance with section 48(1) of the 2016 Act the Parliament has consulted the Scottish Ministers.

Citation

1. This Resolution may be cited as the Lobbying (Scotland) Act 2016 (Reporting Procedures) Resolution 2017.

Reports by the Commissioner for Ethical Standards in Public Life in Scotland

2. A report to the Parliament by the Commissioner for Ethical Standards in Public Life in Scotland under Part 3 of the 2016 Act must be made in writing.

Parliament’s consideration of report

3.—(1) A report made in accordance with paragraph 2 shall be referred to the committee mentioned in Rule 6.4 of the Parliament’s Standing Orders (“the Committee”) for consideration.

(2) Following consideration, the Committee shall, where appropriate, report to the Parliament, with its recommendations.

Exercise of power of censure

4. Where the Committee recommends censure of any person who is the subject of a report, such censure may only be imposed by the Parliament:

- (a) in pursuance of a motion to that effect by a member of the Committee, and
- (b) after notice of that motion has been given to the Parliament by a member of the Committee.

EXPLANATORY NOTE

(This note is not part of the Resolution)

The Lobbying (Scotland) Act 2016 (“the Act”) establishes a registration regime for “regulated lobbying”, as defined in the Act. In doing so it makes provision for a lobbying register which is to be operated by the Clerk of the Scottish Parliament (“the Clerk”). The Clerk along with the Commissioner for Ethical Standards in Public Life in Scotland (“the Commissioner”) have responsibilities for oversight and enforcement of the Act. The Act sets out various reporting obligations on the Commissioner, and section 41 requires the Parliament, by resolution, to make provision about procedures to be followed when the Commissioner submits a report to the Parliament under Part 3 (Oversight and Enforcement) of the Act. This Resolution makes provision in that regard.

Paragraph 2 provides that whenever the Commissioner reports to the Parliament under Part 3 of the Act then that report is to be made in writing.

“Writing”, for the purpose of the Resolution, attracts the wording contained within the Interpretation and Legislative Reform (Scotland) Act 2010. It is stated there that “writing” includes typing, printing, lithography, photography and other modes of representing or reproducing words in a visible form; and that expressions referring to writing are to be construed accordingly. In consequence, a report by the Commissioner can, for example, be in electronic form.

Paragraph 3 makes provision for the Parliament’s consideration of a report made by the Commissioner under Part 3 of the Act. In the first instance, it is to be referred to the committee mentioned in Rule 6.4 of the Parliament’s Standing Orders (currently, the Standards, Procedures and Public Appointments Committee). That committee will then consider the relevant report. This might involve, for example, simply noting the content. In other circumstances, the nature and content of the report is likely to require the committee to report to the Parliament, with its recommendations.

Paragraph 4 makes provision for those circumstances in which the committee, having considered a report from the Commissioner, recommends censure of the person who is the subject of that report. Censure may only be imposed by the Parliament itself, and not by the Standards, Procedures and Public Appointments Committee, or by any other committee of the Parliament. The process for censure requires a motion to that effect by a member of the Standards, Procedures and Public Appointments Committee.

Rule 8.4.1 of the Parliament’s Standing Orders provides that a motion can be amended (except as otherwise provided in the Standing Orders).