

TRANSPARENCY OF LOBBYING, NON-PARTY CAMPAIGNING AND TRADE UNION ADMINISTRATION ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Registration of Consultant Lobbyists

Section 3: The Registrar of Consultant Lobbyists, Section 4: The Register and Schedule 2: The Registrar of Consultant Lobbyists

30. **Sections 3 to 7** and **Schedule 2** establish a Registrar of Consultant Lobbyists ("the Registrar") and require them to keep a register with specified information on it and to make that register publicly available. The Registrar will be an independent statutory office-holder appointed by the Secretary of State or the Lord President of the Council ("the Minister") and **Schedule 2** sets out more detail about how the Registrar is to be constituted.
31. **Section 4** sets out the obligation to keep the register. In particular, it provides that each register entry must contain the name of the relevant registered consultant lobbyist, together with its registered company number (where relevant), its address, the names of any partners or directors (or equivalent), and any other information specified by regulations. Each entry must also contain the names of the clients for whom the entity has engaged in consultant lobbying for (or has received pre-payment to do so) for every quarter that person has been registered and the names of any clients from whom pre-payment has been received in the three months immediately preceding the person's application to join the register. Further, **Section 4** provides that each consultant lobbyist must declare in their register entry whether it subscribes to a publicly available code of conduct in relation to its lobbying activity and, if so, where a copy of the code can be accessed.
32. **Schedule 2** provides that the Registrar will be a corporation sole. Being a corporation sole will ensure that the Registrar is able to enter into contracts, and to sue and be sued, in his or her capacity as an office holder rather than in any individual capacity and so allows for continuity from one Registrar to the next.
33. The Registrar will be appointed by the Minister after a process of fair and open competition. The Registrar may be appointed for an initial term of up to four years and for one or two further terms of up to three years. The Registrar may resign from the post by giving the Minister written notice. During a term the Minister may dismiss the Registrar if satisfied that he or she is unable, unwilling or unfit to perform his or her functions.
34. Any individual who has been a Minister or permanent secretary or has carried on the business of a consultant lobbyist (or has been the employee of a consultant lobbyist) at any time in the previous 5 years is not eligible to fill the post of Registrar.

These notes refer to the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 (c.4) which received Royal Assent on 30 January 2014

35. The Registrar may pay remuneration and other amounts to the individual appointed Registrar but the amounts will be controlled by the Minister. The Minister may make grants or loans to the Registrar.
36. It is not expected that the Registrar will engage staff directly but may make arrangements for staff to be seconded by the Minister or other persons. Those staff may be paid by the Registrar either directly or via the Minister or other persons.
37. The Registrar is required to prepare a statement of accounts for each financial year, reported on by the Comptroller and Auditor General and laid before Parliament. The Registrar is also required to abide by the requirements of the Public Records Act 1958 and will be subject to the provisions of the Freedom of Information Act 2000. The Registrar is also an authority which is subject to investigation by the Parliamentary Commissioner (who is also known as the Parliamentary and Health Service Ombudsman).