



# Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014

## 2014 CHAPTER 4

### PART 1

#### REGISTRATION OF CONSULTANT LOBBYISTS

##### *Supplementary*

#### 21 Guidance

- (1) The Registrar may give guidance about how the Registrar proposes to exercise the functions under this Part.
- (2) The Registrar may do so, in particular, by publishing guidance—
  - (a) as to cases which the Registrar would, or would not, regard as falling within any of the exceptions in Part 1 of Schedule 1;
  - (b) otherwise as to the circumstances in which the Registrar would, or would not, consider that a person is carrying on the business of consultant lobbying;
  - (c) as to the circumstances in which the Registrar would—
    - (i) include in the register a statement under section 6(6)(a), or
    - (ii) remove a person's entry from the register;
  - (d) as to the circumstances in which the Registrar would consider it appropriate to impose a civil penalty;
  - (e) about how the amount of a civil penalty will be determined.
- (3) The Registrar may publish—
  - (a) revisions to any guidance published under this section;
  - (b) replacement guidance.

- (4) Publication under this section is to be—
- (a) on a website, and
  - (b) in such other form or forms as the Registrar considers appropriate.

## **22 Charges**

- (1) The Registrar may impose charges for or in connection with the making, updating and maintenance of entries in the register.
- (2) The charges are to be determined by or in accordance with regulations.
- (3) In making the regulations, the Minister must seek to ensure that the total paid to the Registrar in charges is sufficient to offset the total of the costs incurred by the Registrar in exercising the functions under this Part (whether or not those costs are directly connected with the keeping of the register).
- (4) If a charge imposed for making an application or a return to the Registrar is not paid, the Registrar may treat the application or return as not having been made.
- (5) The Registrar must pay into the Consolidated Fund any sums received in respect of charges under this section.

## **23 Power to make further provision**

- (1) Regulations may make such provision as the Minister considers appropriate for the purposes of carrying into effect any provision of this Part.
- (2) Regulations under subsection (1) may in particular make provision (or further provision) about—
  - (a) the date from which an entry in the register is to take effect;
  - (b) the form and content of information returns under section 5;
  - (c) the exercise of the Registrar’s powers under section 6(6);
  - (d) the removal of entries in other circumstances;
  - (e) the minimum period between the date on which an information notice is served and the date which must be specified under section 9(4)(b);
  - (f) other matters which must be specified in an information notice;
  - (g) the cancellation of notices under section 9(7).
- (3) Regulations under subsection (1) may make provision permitting or requiring the Commissioners for Her Majesty’s Revenue and Customs to supply to the Registrar, on request, such information regarding any person who is, or is required to be, registered under the Value Added Tax Act 1994 as is specified in the regulations.

## **24 Regulations**

- (1) Any reference in this Part to regulations is to regulations made by the Minister.
- (2) Regulations under this Part may make such consequential, supplementary, incidental or transitional provision as the Minister considers appropriate, including provision amending or modifying the provisions of this Part.
- (3) Regulations under this Part may make different provision for different purposes or cases.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Regulations under this Part are to be made by statutory instrument.
- (5) A statutory instrument containing any of the following regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—
  - (a) regulations under section 4(5)(a) or 5(4);
  - (b) the first regulations to be made under each of sections 11(3) and 17(3);
  - (c) regulations under this Part which amend or modify the provisions of this Part.
- (6) Any other statutory instrument containing regulations under this Part is to be subject to annulment in pursuance of a resolution of either House of Parliament.

## 25 Interpretation

- (1) In this Part—
  - “consultant lobbyist” means a person who carries on the business of consultant lobbying;
  - “employee” means an individual who works under a contract of employment;
  - to “engage in lobbying” means to make a communication within section 2(3) on behalf of another person or persons;
  - “information notice” means a notice under section 9;
  - “the Minister” means the Secretary of State or the Lord President of the Council;
  - “payment”, “in return for payment” and references to receiving payment are to be read in accordance with paragraphs 5 to 7 of Schedule 1;
  - “penalty notice” means a notice under section 16;
  - “quarter” means each period of three months beginning with 1 January, 1 April, 1 July or 1 October;
  - “registered person” means a person entered in the register of consultant lobbyists;
  - “the Tribunal” means—
    - (a) the First-tier Tribunal, or
    - (b) in any case where it is determined by or under Tribunal Procedure Rules that the appeal is to be heard by the Upper Tribunal, that Tribunal.
- (2) Where the Registrar is required or permitted to serve a notice on a person, this is to be effected—
  - (a) if the person is a registered company (within the meaning of the Companies Act 2006), by sending it by post to the company’s registered office;
  - (b) if the person is an individual, by delivering it in person, by sending it by post to the individual’s last known place of residence or business, or by leaving it at that place;
  - (c) in any other case, by sending it by post to the last known main address of that person;

(but this does not prevent the Registrar from sending additional copies of the notice by whatever means the Registrar considers appropriate).