

**Changes to legislation:** There are currently no known outstanding effects for the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, SCHEDULE 1. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

Section 2

#### CARRYING ON THE BUSINESS OF CONSULTANT LOBBYING

##### PART 1

##### EXCEPTIONS

- 1 (1) A person does not, by reason of making a communication, carry on the business of consultant lobbying if—
- (a) the person carries on a business which consists mainly of non-lobbying activities, and
  - (b) the making of the communication is incidental to the carrying on of those activities.
- (2) In sub-paragraph (1) “non-lobbying activities” are activities other than making, on behalf of another person or persons, communications which—
- (a) relate to any of the matters mentioned in section 2(3)(a) to (d), and
  - (b) are made to any of the persons within sub-paragraph (3).
- (3) The persons are—
- (a) members of, and office-holders in, government, and
  - (b) officials and members of staff of government.
- (4) For the purposes of this paragraph, “government” includes—
- (a) Her Majesty's Government in the United Kingdom,
  - (b) the Scottish Administration,
  - (c) the Welsh Assembly Government,
  - (d) the First Minister, the deputy First Minister, the Northern Ireland Ministers and any Northern Ireland department,
  - (e) the Government of any sovereign Power other than the United Kingdom,
  - (f) local government in any part of the United Kingdom, and
  - (g) any institution of the European Union;
- (and the references to “the government” in section 2(3)(a) to (d) as applied by sub-paragraph (2)(a) are to be read accordingly).

##### Commencement Information

**II** Sch. 1 para. 1 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

- 2 A person does not carry on the business of consultant lobbying if—
- (a) the person acts generally as a representative of persons of a particular class or description,

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- (b) the income of the person derives wholly or mainly from persons of that class or description, and
- (c) the making of communications within section 2(3) on behalf of those persons is no more than an incidental part of that general activity.

**Commencement Information**

**I2** Sch. 1 para. 2 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

- 3 (1) A person who, as an official or member of staff of—
- (a) a sovereign Power other than the United Kingdom, or the Government of such a Power, or
  - (b) an international organisation,
- makes communications within section 2(3) on its behalf does not, by reason of those communications, carry on the business of consultant lobbying.
- (2) An “international organisation” is any organisation which, for the purposes of section 1 of the International Organisations Act 1968, is declared to be (or is treated as being) an organisation of which—
- (a) the United Kingdom, or Her Majesty's Government in the United Kingdom, and
  - (b) at least one other sovereign Power, or the Government of such a Power, are members.
- (3) Regulations may specify other organisations which are to be “international organisations” for the purposes of this paragraph.

**Commencement Information**

**I3** Sch. 1 para. 3 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

- 4 An individual does not carry on the business of consultant lobbying by reason of making communications as an employee in the course of a business carried on by the individual's employer.

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

**PART 2**

MEANING OF TERMS USED IN SECTION 2(1)

*In return for payment*

- 5 (1) “Payment” includes payment of any kind.
- (2) But “payment” does not include any sums payable to a member of either House of Parliament—

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- (a) under section 4 or 5 of the Parliamentary Standards Act 2009 (MPs' salaries and allowances),
- (b) pursuant to a resolution or a combination of resolutions of the House of Lords relating to expenses and allowances for its members, or
- (c) otherwise out of money provided by Parliament or out of the Consolidated Fund (whether or not in respect of that membership).

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

- 6 (1) Communications may be made “in return for payment” whether the payment is made directly or indirectly.
- (2) In particular, it does not matter—
- (a) whether the person or persons making the payments is or are the person or persons on behalf of whom the communications are made, or
  - (b) whether a particular payment relates to any particular communication or communications.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

- 7 (1) But a communication is not made “in return for payment” if—
- (a) a person makes the communication on behalf of persons of a particular class or description,
  - (b) the income of the person making the communication derives wholly or mainly from persons who are not of that class or description, and
  - (c) the person does not receive payment, from persons of that class or description, in return for making that communication.
- (2) If the person making the communication is an employee, the references in subparagraph (1)(b) and (c) to the person are to be read as references to the person's employer.

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

- 8 References in this Part of this Act to receiving payment to engage in lobbying are to be read in accordance with paragraphs 5 to 7.

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

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### *Communications*

- 9 A communication is not within section 2(3) if it is required to be made by or under any statutory provision or other rule of law.

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

### *Made on behalf of another*

- 10 (1) Where an individual (“A”) makes a communication in the course of a business carried on by another person (“B”), the communication is to be regarded as being made by B as well as by A.
- (2) Where A is an employee of B, then (whether or not the communication is made on behalf of a third party) A is not to be regarded as making the communication on behalf of B.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

## PART 3

### POSITIONS EQUIVALENT TO PERMANENT SECRETARY

- 11 (1) The positions mentioned in section 2(6) are—
- Cabinet Secretary;
  - Chief Executive of Her Majesty's Revenue and Customs;
  - Chief Medical Officer;
  - Director of Public Prosecutions;
  - First Parliamentary Counsel;
  - Government Chief Scientific Adviser;
  - Head of the Civil Service;
  - Prime Minister's Adviser for Europe and Global Issues.
- (2) Regulations may amend sub-paragraph (1) by adding or removing a position.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 23.5.2014 by S.I. 2014/1236, art. 2(1)(j)

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