

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).
- 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,
 - (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.

- 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.
- 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.

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—
- (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).
- 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.
- 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,

Status: This is the original version (as it was originally enacted).

- (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 sub-paragraph (1)(b) and (c) to the person are to be read as references to the person's employer.

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.

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.

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.

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.