
STATUTORY INSTRUMENTS

2015 No. 379

CONSULTANT LOBBYING

The Registration of Consultant Lobbyists Regulations 2015

Made - - - - 24th February 2015
Laid before Parliament 26th February 2015
Coming into force - - 1st April 2015

The Lord President of the Council makes these Regulations in exercise of the powers conferred by sections 4(5), 9(3), 22(2), 23(2) and (3), and 24(2) of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014(1).

Citation, extent and interpretation

1.—(1) These Regulations may be cited as the Registration of Consultant Lobbyists Regulations 2015.

(2) These Regulations extend to the United Kingdom.

(3) In these Regulations a reference to a numbered section means the section so numbered in the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014.

(4) These Regulations come into force on 1st April 2015.

Form of application to be entered in the register

2. An application to be entered in the register of consultant lobbyists kept under section 4 (the register) must be made in writing and must contain the following information—

(a) in the case of a company—

- (i) its name, its registered number and the address of its registered office, and
- (ii) the names of its directors and of any secretary and any shadow directors;

(b) in the case of a partnership (including a limited liability partnership), the names of the partners and the address of its main office or place of business;

(c) in the case of an individual, the individual's name, the address of the individual's main place of business (or, if there is no such place, the individual's residence);

(d) any name or names (not included under paragraphs (a) to (c)) under which the person carries on the business of consultant lobbyist;

(1) 2014 c.4. "The Minister" is defined in section 25(1) to include the Lord President of the Council.

- (e) a statement of—
 - (i) whether there is in place an undertaking by the person to comply with a relevant code of conduct; and
 - (ii) if so, where a copy of the code may be inspected; and
- (f) if the person received payment in the pre-registration quarter⁽²⁾ to engage in lobbying, the name of the person or persons on whose behalf lobbying was or is to be done.

Form of information return

3. An information return required under section 5(1) (notification of client information and changes) must be made in writing.

Limitations on duty to supply information

4.—(1) The Registrar may not require a person to supply under section 9 (notice to supply information) any information in respect of—

- (a) any communication between a professional legal adviser and the adviser’s client in connection with the giving of legal advice to the client about the client’s obligations, liabilities or rights, or
- (b) any communication between a professional legal adviser and the adviser’s client, or between such an adviser, the adviser’s client and any other person, in connection with or in contemplation of proceedings (including proceedings before the Tribunal⁽³⁾) and for the purposes of such proceedings.

(2) In this regulation references to the client of a professional legal adviser include references to any person representing such a client.

Charges

5.—(1) The charges which may be imposed under section 22(2) (charges) are—

- (a) a charge of £12.50 in respect of processing each application to register;
- (b) a charge of £12.50 in respect of processing each information return submitted under paragraph (1);
- (c) an annual charge of P per registered consultant lobbyist in connection with the maintenance of the register, where—

(i)

$$P = \text{£}700 \times \left(\frac{N}{365} \right);$$

in the consultant lobbyist’s first year of registration
and

(ii) in any other year of registration $P = \text{£}700,$

with N being the number of days remaining until 31st December starting on the day on which the consultant lobbyist is added to the register.

(2) The Registrar may request payment of charges in advance or in arrear or in instalments.

(3) If any payment requested under paragraph (2) is not made by the date requested, the Registrar may recover the amount of the payment as a debt.

(2) “The pre-registration quarter” is defined in section 4(4) to mean the period of three months ending on the date on which the person applied to be on the register.

(3) “The Tribunal” is defined in section 25(1) to mean either the First-tier Tribunal or 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.

(4) If a registered consultant lobbyist ceases to be registered having paid some or all of the annual charge provided for by paragraph (1)(c), subject to paragraph (5), the Registrar must issue a refund of R, where—

(a)
$$R = \left(P \times \frac{Q}{365} \right) - A - C$$
 ;

- (b) P has the same meaning as in paragraph (1)(c)(i) or (ii) as the case may be;
- (c) Q is the number of days remaining until 31st December, starting on the day on which the consultant lobbyist ceases to be registered;
- (d) A is the amount, if any, of P for the relevant year that has yet to be paid on the date the consultant lobbyist ceases to be registered; and
- (e) C is the cost of processing the refund.

(5) No refund is due if R is equal to or less than zero.

Supply of information regarding VAT registration

6. On request from the Registrar, the Commissioners for Her Majesty's Revenue and Customs may supply the Registrar with—

- (a) confirmation that any person is or was registered under the Value Added Tax Act 1994(4);
- (b) the date on which any such registration took effect; and
- (c) the date on which the person ceased to be registered (if applicable).

Signed by the Authority of the Lord President of the Council

24th February 2015

Sam Gyimah
Minister for the Constitution
Cabinet Office

(4) 1994 c.23.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous provisions to establish the system for the registration of consultant lobbyists.

Regulation 2 sets out the information that must be contained in an application to be entered in the register and regulation 3 specifies that an information return must be made in writing.

Regulation 4 specifies that the Registrar may not issue a notice to supply information under section 9 of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4) in relation to any information which falls within the description of legally professionally privileged material.

Regulation 5 specifies the charges that the Registrar must impose in connection with processing an application to register or an information return and in connection with the maintenance of the register and makes provision for requesting and recovering those charges, including a requirement to issue refunds where applicable.

Regulation 6 provides that the Commissioners for Her Majesty's Revenue and Customs may confirm to the Registrar whether or not someone is (or was) VAT-registered so that the Registrar may confirm whether section 2(1)(b) of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 applies.

A regulatory impact assessment has been prepared as to the likely cost and benefits of complying with these regulations. A copy can be obtained from the Constitutional Settlement Division of the Cabinet Office, 1 Horseguards Road, London SW1A 2HQ.