

## **EXPLANATORY NOTES**

### **LOBBYING (SCOTLAND) ACT 2016**

#### **INTRODUCTION**

#### **THE ACT**

#### **COMMENTARY ON SECTIONS**

##### **PART 1 – CORE CONCEPTS**

Section 1: Regulated lobbying and the schedule: communications which are not lobbying

**Communications made on individual’s own behalf**

**Communications made to a member for constituency or region**

**Communications not made in return for payment**

**Communications by small organisations**

**Communications in Parliament or required under statute**

**Communications made on request**

**Cross-party groups**

**Journalism**

**Communications in relation to terms and conditions of employment**

**Communications by political parties**

**Communications in the conduct of public affairs**

Section 1: Additions to the Schedule

Section 2: Government or parliamentary functions

##### **PART 2 – THE LOBBYING REGISTER**

*These notes relate to the Lobbying (Scotland) Act 2016 (asp 16)*

**Active registrants**

**Inactive registrants**

**Voluntary registrants**

**Clerk's duty to publish information from the register**

**Information about identity**

**Information about regulated lobbying activity**

**Duty to register**

**Application for registration**

**Entry in the register**

**Information returns**

**Reclassification as an inactive registrant**

**Voluntary registration**

**Power to specify requirements about the register**

**PART 3 – OVERSIGHT AND ENFORCEMENT**

**(a) the Clerk**

**Clerk's duty to monitor compliance**

**Information notices**

**(b) the Commissioner – investigation of complaints and report to Parliament**

**Assessment of admissibility of complaints**

**Investigation of admissible complaint and report to Parliament**

**Withdrawal of a complaint**

**Commissioner's discretionary reports to Parliament**

**Restriction on Commissioner's advice**

**Directions to the Commissioner**

**Commissioner investigations: witnesses and documents**

**Commissioner investigations - restriction on disclosure of information**

**Commissioner's functions etc.**

**Investigation of performance of Commissioner's functions**

**Parliament's power to censure**

**Power to make further provision about Parliament's procedures etc.**

**(c) offences**

**PART 4 – GUIDANCE, CODE OF CONDUCT AND PUBLIC AWARENESS**

**Parliamentary guidance**

**Code of conduct for persons lobbying MSPs**

**Public awareness and understanding of the Act**

**PART 5 – FINAL PROVISIONS**

**PARLIAMENTARY HISTORY**