

*These notes relate to the Lobbying (Scotland) Act 2016
(asp 16) which received Royal Assent on 14 April 2016*

LOBBYING (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Guidance, code of conduct and public awareness

Parliamentary guidance

- 180. **Section 43** contains provision relating to the publication of parliamentary guidance.
- 181. Subsection (1) provides that the Parliament must publish guidance on the operation of this Act.
- 182. Subsection (2) lays out particular examples of what the guidance must contain, including the circumstances in which a person is or is not engaged in regulated lobbying for the purposes of the Act and the circumstances in which a communication is of a kind which falls within the schedule or the Clerk's functions under the Act.
- 183. Subsection (3) provides that before publishing the guidance, any revision to it or replacement of it, the Parliament must consult the Scottish Ministers.
- 184. When exercising functions under Part 2 both the Clerk and the Commissioner are required to have regard to the parliamentary guidance (see sections 3(5), 16(2) and 22(3)). This ensures that the Clerk and the Commissioner will take account of the guidance when exercising such functions.