



# Lobbying (Scotland) Act 2016

## 2016 asp 16

### PART 2

#### THE LOBBYING REGISTER

##### *Inactive registrants*

#### **12      Reclassification as an inactive registrant on application**

- (1) An active registrant may apply to the Clerk to be instead entered in the register as an inactive registrant (in this section referred to as the “applicant”).
- (2) The application under subsection (1) must—
  - (a) be in such form as the Clerk may determine, and
  - (b) contain either—
    - (i) in the case of an applicant who has not submitted an information return under section 11, the information about the applicant’s regulated lobbying activity mentioned in subsection (3), or
    - (ii) in the case of an applicant who has submitted a return under that section, the information about the applicant’s regulated lobbying activity mentioned in subsection (4).
- (3) The information about the applicant’s regulated lobbying activity is either—
  - (a) the information mentioned in section 6 (other than any information provided under section 8(1)(b)) about each instance of the applicant engaging in regulated lobbying during the period—
    - (i) beginning with the date on which the period mentioned in section 11(1)(a) began in relation to the applicant, and
    - (ii) ending with the date of the application, or
  - (b) a statement that, in that period, the applicant—
    - (i) did not engage in regulated lobbying, or
    - (ii) other than the applicant’s first instance of regulated lobbying, did not engage in regulated lobbying.
- (4) The information about the applicant’s regulated lobbying activity is either—

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- (a) the information mentioned in section 6 about each instance of the applicant engaging in regulated lobbying during the period—
    - (i) beginning with the day after the end of the 6 month period covered by the last information return submitted by the applicant under section 11, and
    - (ii) ending with the date of the application, or
  - (b) a statement that, in that period, the applicant did not engage in regulated lobbying.
- (5) If, following an application under subsection (1), the Clerk has reasonable grounds to believe the applicant is not, or is no longer, engaged in regulated lobbying, the Clerk may enter the applicant in the register as an inactive registrant by updating the applicant's entry in the register accordingly.
- (6) The Clerk must, as soon as practicable after making a decision under this section, notify the applicant of—
- (a) the decision and the Clerk's reasons for the decision, and
  - (b) in the case of a decision to enter the applicant in the register as an inactive registrant—
    - (i) the date on which the applicant is entered in the register as an inactive registrant, and
    - (ii) the effect of the applicant being entered in the register as an inactive registrant.

### **13      Reclassification as an inactive registrant without application**

- (1) The Clerk may enter an active registrant in the register as an inactive registrant if—
- (a) there is no outstanding application by the registrant under section 12, but
  - (b) the Clerk has reasonable grounds to believe the registrant is not, or is no longer, engaged in regulated lobbying.
- (2) Before deciding under this section to enter an active registrant in the register as an inactive registrant the Clerk must give to the registrant a notice stating—
- (a) that the Clerk is considering updating the registrant's entry in the register to be instead entered in the register as an inactive registrant,
  - (b) the Clerk's reasons for doing so, and
  - (c) that the registrant has the right to make written representations to the Clerk before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).
- (3) In making a decision under this section the Clerk must consider any representations made in accordance with subsection (2)(c).
- (4) The Clerk must, as soon as practicable after making a decision under this section to enter a registrant in the register as an inactive registrant, update the registrant's entry in the register accordingly.
- (5) The Clerk must, as soon as practicable after making a decision under this section notify the registrant in respect of whom the decision is made of—
- (a) the decision and the Clerk's reasons for that decision, and
  - (b) in the case of a decision to enter a registrant in the register as an inactive registrant—

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- (i) the date on which the registrant is entered in the register as an inactive registrant, and
- (ii) the effect of the person being entered in the register as an inactive registrant.