



# Lobbying (Scotland) Act 2016

## 2016 asp 16

### PART 3

#### OVERSIGHT AND ENFORCEMENT

##### *Information notices*

#### **17 Clerk's power to require information**

- (1) In connection with the duty under section 16, the Clerk may serve a notice (an "information notice") on a person mentioned in subsection (2), whether in or outwith Scotland, requiring the person to supply information specified in the notice.
- (2) The persons are—
  - (a) an active registrant,
  - (b) a voluntary registrant,
  - (c) a person who is not an active registrant but whom the Clerk has reasonable grounds for believing may be, or may have been, engaged in regulated lobbying.
- (3) An information notice must—
  - (a) specify the form in which the information must be supplied,
  - (b) specify the date by which the information must be supplied, and
  - (c) contain particulars of the right to appeal under section 19(1).
- (4) The date specified under subsection (3)(b) must not be before the end of the period during which an appeal under section 19(1) can be made.
- (5) Where an information notice has been served on a person, the Clerk may—
  - (a) send an additional copy of the information notice to the person by whatever means the Clerk considers appropriate,
  - (b) cancel the information notice by serving notice to that effect on the person.

#### **18 Limitations on duty to supply information and use of information supplied**

- (1) An information notice does not require a person—

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*Status: This is the original version (as it was originally enacted).*

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- (a) to supply information which would disclose evidence of the commission of an offence by the person, other than an offence under subsection (1), (2) or (3) of section 42,
  - (b) to supply information which the person would otherwise be entitled to refuse to supply in proceedings in a court in Scotland.
- (2) An oral or written statement made by a person in response to an information notice may not be used in evidence against the person in a prosecution for an offence (other than an offence under section 21(1)) unless—
- (a) the person is prosecuted for an offence under subsection (1), (2) or (3) of section 42, and
  - (b) in the proceedings—
    - (i) in giving evidence the person provides information that is inconsistent with the statement, and
    - (ii) evidence relating to the statement is adduced, or a question relating to it is asked, by the person or on the person’s behalf.

## **19 Appeal against information notice**

- (1) A person on whom an information notice has been served may appeal to the sheriff against the notice or any requirement specified in it.
- (2) An appeal under subsection (1) must be made before the end of the period of 21 days beginning with the date on which the person receives the notice.
- (3) A decision of the Sheriff Appeal Court on an appeal against the sheriff’s decision is final.
- (4) If an appeal is brought under this section, the person is not required to supply the information specified in the information notice until the date on which the appeal is finally determined or withdrawn.
- (5) For the purposes of subsection (4), the appeal is “finally determined”—
  - (a) where the appeal is determined by the sheriff, on the date on which the period during which an appeal to the Sheriff Appeal Court may be made expires without an appeal being made, or
  - (b) where an appeal to the Sheriff Appeal Court is made, the date on which that appeal is determined.

## **20 Power to make further provision about information notices**

- (1) The Parliament may by resolution make further provision about information notices.
- (2) A resolution under subsection (1) may in particular make provision (or further provision)—
  - (a) specifying descriptions of information which the Clerk may not require a person to supply in response to an information notice,
  - (b) about the minimum period between the date on which an information notice is served and the date which must be specified under section 17(3)(b),
  - (c) about other matters which must be specified in an information notice.

## **21 Offences relating to information notices**

- (1) It is an offence for a person who has been served with an information notice under section 17—
  - (a) to fail to supply the required information on or before the date by which the person is required to do so, or
  - (b) to provide information which is inaccurate or incomplete in a material particular.
- (2) It is a defence for a person charged with an offence under subsection (1) to show that the person exercised all due diligence to avoid committing the offence.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.