

POLICY NOTE

THE LOBBYING (SCOTLAND) ACT 2016 (COMMENCEMENT No. 2) REGULATIONS 2018

SSI 2018/73 (C. 7)

1. The above instrument is made in exercise of the powers conferred by section 52(2) of the Lobbying (Scotland) Act 2016. It is laid under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Policy Objectives

2. The Lobbying (Scotland) Act 2016 (“the Act”) provides for a register of lobbying activity in Scotland. The Lobbying (Scotland) Act 2016 (Commencement No. 2) Regulations 2018 (“the Regulations”) provide for the coming into force on 12 March 2018 of provisions of the Lobbying (Scotland) Act 2016 not already in force in consequence of the Lobbying (Scotland) Act 2016 (Commencement No. 1) Regulations, SSI 2017/201 and the commencement provisions within the Act itself.

3. The Clerk of the Scottish Parliament is responsible for the operation and maintenance of the lobbying register and the Parliament itself has a role in oversight of the registration regime. The Parliament is therefore overseeing implementation of the Act in practice, in particular the introduction and subsequent operation of the lobbying registration process. The first commencement order made under the Act brought into force provisions relevant to the initial implementation of the Act, for example powers for the Parliament to make resolutions and directions under the Act and to publish documents relevant to the registration process.

4. The Parliamentary authorities have arranged for the register provided for under the Act to be fully operational from 12 March 2018. The Regulations therefore provide for the following provisions of the Act, not already in force, to be commenced on 12 March 2018:-

- Section 1 (Regulated lobbying)
- Section 2 (Government or parliamentary functions)
- Section 3 (Lobbying register)
- Section 4 (Content of register)
- Section 5 (Information about identity)
- Section 6 (Information about regulated lobbying activity)
- Section 7 (Additional information)
- Section 8 (Duty to register)
- Section 9 (Application for registration)
- Section 10 (Entry in the register)
- Section 11 (Information returns)

- Section 12 (Reclassification as an inactive registrant on application)
- Section 13 (Reclassification as an inactive registrant without application)
- Section 14 (Voluntary registration)
- Section 16 (Clerk's duty to monitor compliance)
- Section 17 (Clerk's power to require information)
- Section 18 (Limitations on duty to supply information and use of information supplied)
- Section 19 (Appeal against information notice)
- Section 21 (Offences relating to information notices)
- Section 22 (Commissioner's duty to investigate and report on complaint)
- Section 23 (Requirements for complaint to be admissible)
- Section 24 (Procedure for assessing admissibility of complaint)
- Section 25 (Investigation of complaint)
- Section 26 (Commissioner's report on complaint)
- Section 27 (Parliament's action on receipt of report)
- Section 28 (Withdrawal of complaint)
- Section 29 (Commissioner's discretionary reports to Parliament)
- Section 30 (Restriction on Commissioner's advice)
- Section 32 (Power to call for witnesses and documents etc.)
- Section 33 (Notice)
- Section 34 (Exceptions to requirement to answer question or produce document)
- Section 35 (Evidence under oath)
- Section 36 (Offences relating to Commissioner's investigation)
- Section 37 (Restriction on disclosure of information)
- Section 38 (Commissioner's functions etc.)
- Section 39 (Investigation of performance of Commissioner's functions)
- Section 40 (Parliament's power to censure)
- Section 42 (Offences relating to registration and information returns)
- Section 46 (Offences by bodies corporate etc.)
- Section 49(2) and (4) (Application of Act to trusts)
- Section 50 (Report on operation of Act)
- Schedule (Communications which are not lobbying)

Consultation

5. The Parliament has been working closely with the Scottish Government on plans for implementing the Act. No further consultation has been undertaken as the Regulations commence provision that was subject to public scrutiny during the passage of the Bill for the Act. The Parliament has encouraged stakeholder involvement throughout the implementation process.

Impact Assessments

6. Relevant impact assessments arising from the statutory framework were scrutinised during the passage of the Bill which preceded the Act.

Financial Effects

7. The financial effects of the statutory framework were scrutinised during the passage of the Bill which preceded the Act.

Scottish Government
Directorate for Strategy and Constitution
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