Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014

2014 CHAPTER 4

PART 1

REGISTRATION OF CONSULTANT LOBBYISTS

Offences

12 Offences

(1) If a person carries on the business of consultant lobbying in breach of section 1(1) (lobbying whilst unregistered), an offence is committed by—

(a) the person, and

(b) any individual who, not being entered in the register, engages in lobbying in the course of that business.

(2) It is an offence for a registered person to engage in lobbying if—

(a) the person's entry in the register is inaccurate or incomplete in a material particular, and

(b) the person has failed, when required to submit an information return under section 5, to provide sufficient information in or accompanying the return to enable the inaccuracy or omission to be rectified.

(3) Where a person is required to submit an information return under section 5, it is an offence for the person—

(a) to fail to do so within the period specified in section 5(6), or

(b) to provide information which is inaccurate or incomplete in a material particular.

(4) Where an information notice has been served on a person, it is an offence for the person—
  (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.

(5) It is a defence for a person charged under any of subsections (1) to (4) to show that the person exercised all due diligence to avoid committing the offence.

(6) A person is taken to have shown the fact mentioned in subsection (5) if—
  (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
  (b) the contrary is not proved beyond reasonable doubt.

(7) A person guilty of an offence under any of subsections (1) to (4) is liable—
  (a) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
  (b) on summary conviction in England and Wales, or on conviction on indictment, to a fine.

(8) In the case of a summary conviction in England and Wales for an offence committed before the coming into force of section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, the fine under subsection (7) must not exceed the statutory maximum.

(9) Proceedings for an offence under this Part may be instituted—
  (a) in England and Wales, only by or with the consent of the Director of Public Prosecutions;
  (b) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

13 Bodies corporate and Scottish partnerships

(1) Where an offence under this Part is committed by a body corporate and is proved—
  (a) to have been committed with the consent or connivance of a director, manager, secretary or other similar officer, or
  (b) to be attributable to any neglect on the part of any such individual,

  the individual as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with that management as if the member were a director of the body corporate.

(3) Where an offence under this Part is committed by a partnership constituted under the law of Scotland and is proved—
  (a) to have been committed with the consent or connivance of a partner, or
  (b) to be attributable to any neglect on the part of any such individual,

  the individual as well as the partnership is guilty of the offence and is liable to be proceeded against and punished accordingly.