

## SCHEDULES

### SCHEDULE 1

Section 2

#### CARRYING ON THE BUSINESS OF CONSULTANT LOBBYING

##### PART 1

##### EXCEPTIONS

- 1 (1) A person does not, by reason of making a communication, carry on the business of consultant lobbying if—
- (a) the person carries on a business which consists mainly of non-lobbying activities, and
  - (b) the making of the communication is incidental to the carrying on of those activities.
- (2) In sub-paragraph (1) “non-lobbying activities” are activities other than making, on behalf of another person or persons, communications which—
- (a) relate to any of the matters mentioned in section 2(3)(a) to (d), and
  - (b) are made to any of the persons within sub-paragraph (3).
- (3) The persons are—
- (a) members of, and office-holders in, government, and
  - (b) officials and members of staff of government.
- (4) For the purposes of this paragraph, “government” includes—
- (a) Her Majesty’s Government in the United Kingdom,
  - (b) the Scottish Administration,
  - (c) the Welsh Assembly Government,
  - (d) the First Minister, the deputy First Minister, the Northern Ireland Ministers and any Northern Ireland department,
  - (e) the Government of any sovereign Power other than the United Kingdom,
  - (f) local government in any part of the United Kingdom, and
  - (g) any institution of the European Union;
- (and the references to “the government” in section 2(3)(a) to (d) as applied by sub-paragraph (2)(a) are to be read accordingly).
- 2 A person does not carry on the business of consultant lobbying if—
- (a) the person acts generally as a representative of persons of a particular class or description,
  - (b) the income of the person derives wholly or mainly from persons of that class or description, and
  - (c) the making of communications within section 2(3) on behalf of those persons is no more than an incidental part of that general activity.

- 3 (1) A person who, as an official or member of staff of—
- (a) a sovereign Power other than the United Kingdom, or the Government of such a Power, or
  - (b) an international organisation,
- makes communications within section 2(3) on its behalf does not, by reason of those communications, carry on the business of consultant lobbying.
- (2) An “international organisation” is any organisation which, for the purposes of section 1 of the International Organisations Act 1968, is declared to be (or is treated as being) an organisation of which—
- (a) the United Kingdom, or Her Majesty’s Government in the United Kingdom, and
  - (b) at least one other sovereign Power, or the Government of such a Power,
- are members.
- (3) Regulations may specify other organisations which are to be “international organisations” for the purposes of this paragraph.
- 4 An individual does not carry on the business of consultant lobbying by reason of making communications as an employee in the course of a business carried on by the individual’s employer.

## PART 2

### MEANING OF TERMS USED IN SECTION 2(1)

#### *In return for payment*

- 5 (1) “Payment” includes payment of any kind.
- (2) But “payment” does not include any sums payable to a member of either House of Parliament—
- (a) under section 4 or 5 of the Parliamentary Standards Act 2009 (MPs’ salaries and allowances),
  - (b) pursuant to a resolution or a combination of resolutions of the House of Lords relating to expenses and allowances for its members, or
  - (c) otherwise out of money provided by Parliament or out of the Consolidated Fund (whether or not in respect of that membership).
- 6 (1) Communications may be made “in return for payment” whether the payment is made directly or indirectly.
- (2) In particular, it does not matter—
- (a) whether the person or persons making the payments is or are the person or persons on behalf of whom the communications are made, or
  - (b) whether a particular payment relates to any particular communication or communications.
- 7 (1) But a communication is not made “in return for payment” if—
- (a) a person makes the communication on behalf of persons of a particular class or description,

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- (b) the income of the person making the communication derives wholly or mainly from persons who are not of that class or description, and
  - (c) the person does not receive payment, from persons of that class or description, in return for making that communication.
- (2) If the person making the communication is an employee, the references in sub-paragraph (1)(b) and (c) to the person are to be read as references to the person's employer.
- 8 References in this Part of this Act to receiving payment to engage in lobbying are to be read in accordance with paragraphs 5 to 7.

#### *Communications*

- 9 A communication is not within section 2(3) if it is required to be made by or under any statutory provision or other rule of law.

#### *Made on behalf of another*

- 10 (1) Where an individual (“A”) makes a communication in the course of a business carried on by another person (“B”), the communication is to be regarded as being made by B as well as by A.
- (2) Where A is an employee of B, then (whether or not the communication is made on behalf of a third party) A is not to be regarded as making the communication on behalf of B.

### **PART 3**

#### POSITIONS EQUIVALENT TO PERMANENT SECRETARY

- 11 (1) The positions mentioned in section 2(6) are—
- Cabinet Secretary;
  - Chief Executive of Her Majesty's Revenue and Customs;
  - Chief Medical Officer;
  - Director of Public Prosecutions;
  - First Parliamentary Counsel;
  - Government Chief Scientific Adviser;
  - Head of the Civil Service;
  - Prime Minister's Adviser for Europe and Global Issues.
- (2) Regulations may amend sub-paragraph (1) by adding or removing a position.

### SCHEDULE 2

Section 3

#### THE REGISTRAR OF CONSULTANT LOBBYISTS

#### *Status*

- 1 The Registrar is a corporation sole.

2 The Registrar exercises the functions of that office on behalf of the Crown.

#### *Appointment*

- 3 (1) The Registrar is to be appointed by the Minister.
- (2) The Registrar holds office in accordance with the terms and conditions of that appointment; but this is subject to sub-paragraphs (3) to (6).
- (3) The term of office for which the Registrar is appointed must not be more than 4 years.
- (4) A person may be appointed for a second or third term; but the term for which a person is re-appointed must not be more than 3 years.
- (5) The Registrar may resign by giving written notice to the Minister.
- (6) The Minister may dismiss the Registrar if the Minister is satisfied that the Registrar is unable, unwilling or unfit to perform the functions of the office.
- 4 (1) A person is ineligible for appointment as the Registrar if, at any time in the previous 5 years, the person—
- (a) was a Minister of the Crown or a permanent secretary, or
- (b) carried on the business of consultant lobbying or was an employee of a person who carried on that business.
- (2) “Minister of the Crown” and “permanent secretary” have the meaning given by section 2(6).
- 5 A defect in the Registrar’s appointment does not affect the validity of anything done by the Registrar.

#### *Remuneration and staffing*

- 6 Service as the Registrar is not service in the civil service of the State.
- 7 (1) The Registrar may make arrangements for sums in respect of the following to be paid to or in respect of the person holding office as the Registrar—
- (a) remuneration;
- (b) allowances;
- (c) pension.
- (2) The sums paid under sub-paragraph (1) are to be determined by the Minister.
- 8 (1) The Registrar may make arrangements with the Minister or other persons—
- (a) for staff to be seconded to the Registrar;
- (b) for accommodation or services to be provided to the Registrar.
- (2) The payments that may be made under arrangements under sub-paragraph (1)(a) include payments to the staff in addition to, or instead of, payments to the person with whom the arrangements are made.

#### *Accounts*

- 9 (1) The Registrar must keep proper accounts and proper records in relation to the accounts.
- (2) The Registrar must prepare a statement of accounts in respect of each financial year.

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- (3) The Registrar must send a copy of the statement, within a period specified by the Minister, to the Comptroller and Auditor General.
- (4) After the Registrar has sent a copy of a statement of accounts to the Comptroller and Auditor General, the Comptroller and Auditor General must—
  - (a) examine, certify and report on the statement, and
  - (b) arrange for a copy of the certified statement and the report to be laid before Parliament as soon as possible.
- (5) In this paragraph “financial year” means—
  - (a) the period beginning on the day on which section 3 comes into force and ending on the following 31 March, and
  - (b) each successive period of 12 months.

#### *Funding*

- 10 (1) The Minister may make grants or loans to the Registrar.
- (2) The grants or loans may be subject to conditions (including conditions as to repayment with or without interest).

#### *Amendment of other enactments*

- 11 In Schedule 1 to the Public Records Act 1958 (definition of public records) at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert—

“The Registrar of Consultant Lobbyists”.
- 12 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation) before the entry for the “Registrar General for England and Wales” insert—

“The Registrar of Consultant Lobbyists”.
- 13 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices which are public authorities) at the appropriate place insert—

“The Registrar of Consultant Lobbyists”.

### SCHEDULE 3

Section 26

#### CONTROLLED EXPENDITURE: QUALIFYING EXPENSES

After Schedule 8 to the Political Parties, Elections and Referendums Act 2000 insert—

“SCHEDULE 8A

Section 85

CONTROLLED EXPENDITURE: QUALIFYING EXPENSES

**PART 1**

QUALIFYING EXPENSES

- 1 For the purposes of section 85(2) the expenses falling within this Part of this Schedule are expenses incurred in respect of any of the matters set out in the following list.

**List of matters**

- (1) The production or publication of material which is made available to the public at large or any section of the public (in whatever form and by whatever means).
- (2) Canvassing, or market research seeking views or information from, members of the public.
- (3) Press conferences, or other media events, organised by or on behalf of the third party.
- (4) Transport (by any means) of persons to any place or places with a view to obtaining publicity.
- (5) Public rallies or other public events, other than—
  - (a) annual conferences of the third party, or
  - (b) any public procession or protest meeting, within the meaning of the Public Processions (Northern Ireland) Act 1998, in respect of which notice is given in accordance with section 6 or 7 of that Act (advance notice of public processions or related protest meetings).

Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

But expenses in respect of such events do not include costs incurred in providing for the protection of persons or property.

- 2 (1) Nothing in paragraph 1 extends to—
- (a) expenses incurred in respect of the publication of any matter relating to an election, other than an advertisement, in—
    - (i) a newspaper or periodical,
    - (ii) a broadcast made by the British Broadcasting Corporation, by Sianel Pedwar Cymru or by the Gibraltar Broadcasting Corporation, or
    - (iii) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996;
  - (b) expenses incurred in respect of, or in consequence of, the translation of anything from English into Welsh or from Welsh into English;
  - (c) reasonable personal expenses incurred by an individual in travelling or in providing for the individual’s accommodation or other personal needs;

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- (d) reasonable expenses incurred that are reasonably attributable to an individual's disability;
  - (e) expenses incurred in respect of the provision by any individual of the individual's own services which the individual provides voluntarily in the individual's own time and free of charge.
- (2) In sub-paragraph (1)(d), "disability" has the same meaning as in the Equality Act 2010 (see section 6 of that Act).

## PART 2

### SUPPLEMENTAL

#### Guidance by the Commission

- 3
- (1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to the kinds of expenses which do, or do not, fall within Part 1 of this Schedule.
  - (2) Once the Commission have prepared a draft code under this paragraph, they shall submit it to the Secretary of State for his approval.
  - (3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.
  - (4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—
    - (a) in its original form, or
    - (b) in a form which incorporates any modifications determined under sub-paragraph (3),before each House of Parliament.
  - (5) If the draft incorporates any such modifications, the Secretary of State shall at the same time lay before each House a statement of his reasons for making them.
  - (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the draft code.
  - (7) If no such resolution is made within the 40-day period—
    - (a) the Secretary of State shall issue the code in the form of the draft laid before Parliament, and
    - (b) the code shall come into force on such date as the Secretary of State may by order appoint,and the Commission shall arrange for it to be published in such manner as they consider appropriate.
  - (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.
  - (9) In this paragraph "40-day period", in relation to a draft code, means—
    - (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and

- (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,  
no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(10) In this paragraph references to a draft code include a draft revised code.

### **Power to amend Part 1**

- 4 (1) The Secretary of State may by order make such amendments of Part 1 of this Schedule as he considers appropriate.
- (2) The Secretary of State may make such an order either—
- (a) where the order gives effect to a recommendation of the Commission, or
  - (b) after consultation with the Commission.”

## SCHEDULE 4

Section 33

### REQUIREMENTS OF QUARTERLY AND WEEKLY DONATION REPORTS

After Schedule 11 to the Political Parties, Elections and Referendums Act 2000 insert—

## “SCHEDULE 11A

Sections 95A and 95B

### REQUIREMENTS OF QUARTERLY AND WEEKLY DONATION REPORTS

## PART 1

### PRELIMINARY

- 1 (1) In this Schedule—
- (a) “quarterly report” means a report required to be prepared under section 95A;
  - (b) “reportable donation”, in relation to a quarterly report, has the same meaning as in that section;
  - (c) “weekly report” means a report required to be prepared under section 95B;
  - (d) “substantial donation”, in relation to a weekly report, has the same meaning as in that section;
  - (e) “reporting period”, in relation to a report, means the reporting period within the meaning of section 95A or 95B in respect of which the report is made.
- (2) References in this Schedule to the value of a donation are to its value as determined in accordance with paragraph 5 of Schedule 11.
- (3) References in this Schedule to section 56 are to that section as applied by paragraph 7 of Schedule 11.



## PART 2

### QUARTERLY REPORTS

#### Requirements of quarterly reports

- 2 (1) A quarterly report in respect of a reporting period—
  - (a) must contain the statement mentioned in paragraph 3 (reportable donations accepted during reporting period), and
  - (b) must contain the statement mentioned in paragraph 5 (reportable donations from impermissible or unidentifiable donors dealt with during reporting period).
- (2) Where, because of the application of paragraph 2(3B) of Schedule 6 by virtue of paragraph 3(2)(a), the information required in the statement mentioned in paragraph 3 is a statement that the recognised third party has seen certain evidence that an individual has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), the quarterly report must be accompanied by that evidence.

#### Statement relating to reportable donations accepted during reporting period

- 3 (1) The statement required by paragraph 2(1)(a) to be contained in a quarterly report is a statement recording—
  - (a) the appropriate details in relation to each reportable donation accepted by the recognised third party during the reporting period which is of a substantial value in the context of that period,
  - (b) the total value of all other reportable donations which are accepted by the recognised third party during the reporting period, and
  - (c) such other information as may be required by regulations made by the Commission.
- (2) In relation to a reportable donation of the kind mentioned in sub-paragraph (1)(a), the “appropriate details” means—
  - (a) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6,
  - (b) where the donation is of money, the amount of the donation,
  - (c) where the donation is not of money, the nature of the donation and its value,
  - (d) the date the donation was accepted by the recognised third party, and
  - (e) such other information as may be required by regulations made by the Commission.
- 4 (1) For the purposes of paragraph 3(1)(a), a reportable donation is of a substantial value in the context of a reporting period (“the reporting period”) if—
  - (a) in a case where there are no reportable donations made by the donor which have been recordable in any previous relevant quarterly report, condition A is met;
  - (b) in any other case, condition B is met.
- (2) Condition A is met if—
  - (a) the value of the donation is more than £7,500, or

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- (b) its value, when added to the value of all other reportable donations (if any) made by the same donor which are accepted by the recognised third party in the relevant pre-dissolution period, is more than £7,500.
- (3) Condition B is met if—
  - (a) the value of the donation is more than £1,500, or
  - (b) its value, when added to the value of all other reportable donations (if any) made by the same donor which fall within sub-paragraph (4), is more than £1,500.
- (4) A reportable donation falls within this sub-paragraph if—
  - (a) it is accepted by the recognised third party in the relevant pre-dissolution period, and
  - (b) it was not recordable in any previous relevant quarterly report.
- (5) If a reportable donation which is aggregated under sub-paragraph (2)(b) or (3)(b) was accepted by the recognised third party in a previous reporting period, the donation is to be treated for the purposes of paragraph 3(1)(a) as accepted by the third party during the reporting period.
- (6) For the purposes of this paragraph a donation is “recordable in any previous relevant quarterly report” if details of the donation were required to be recorded under paragraph 3(1)(a) in any previous quarterly report in relation to the recognised third party in the case of the relevant pre-dissolution period.
- (7) In this paragraph, “the relevant pre-dissolution period” means the pre-dissolution period (within the meaning of section 95A) within which the reporting period falls.

### **Statement of reportable donations dealt with during reporting period**

- 5 (1) The statement required by paragraph 2(1)(b) to be contained in a quarterly report is a statement recording the appropriate details in relation to each reportable donation which—
  - (a) the recognised third party is prohibited from accepting by virtue of—
    - (i) paragraph 6(1)(a) of Schedule 11, or
    - (ii) paragraph 6(1)(b) of that Schedule, and
  - (b) is dealt with by the recognised third party during the reporting period in accordance with section 56(2).
- (2) In relation to a reportable donation of the kind mentioned in sub-paragraph (1)(a)(i), the “appropriate details” means—
  - (a) the name and address of the donor,
  - (b) where the donation is of money, the amount of the donation,
  - (c) where the donation is not of money, the nature of the donation and its value,
  - (d) the date the donation was received by the recognised third party,
  - (e) the date and manner in which the donation was dealt with in accordance with section 56(2)(a), and
  - (f) such other information as may be required by regulations made by the Commission.
- (3) In relation to a reportable donation of the kind mentioned in sub-paragraph (1)(a)(ii), the “appropriate details” means—

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- (a) details of the manner in which the donation was made,
- (b) where the donation is of money, the amount of the donation,
- (c) where the donation is not of money, the nature of the donation and its value,
- (d) the date the donation was received by the recognised third party,
- (e) the date and manner in which the donation was dealt with in accordance with section 56(2)(b), and
- (f) such other information as may be required by regulations made by the Commission.

### Supplementary

- 6 Where reference is made in this Part to a donation being accepted, or dealt with in accordance with section 56(2), by a recognised third party during a reporting period, it is irrelevant whether the donation was also received by that party in that period.

## PART 3

### WEEKLY REPORTS

- 7 (1) A weekly report in respect of a reporting period must contain a statement recording the appropriate details in relation to each substantial donation received by the recognised third party during that period.
- (2) The “appropriate details” means—
- (a) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 3 of Schedule 6,
  - (b) where the donation is of money, the amount of the donation,
  - (c) where the donation is not of money, the nature of the donation and its value,
  - (d) the date the donation was received by the recognised third party, and
  - (e) such other information as may be required by regulations made by the Commission.”