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## SPICe Briefing

# Lobbying (Scotland) Bill: Stage 3

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This briefing considers the parliamentary scrutiny of the Lobbying (Scotland) Bill prior to Stage 3 proceedings which are scheduled for 10 March 2016. The briefing outlines the recommendations and comments made by the Standards, Procedures and Public Appointments (SPPA) Committee in its Stage 1 report on the Bill, and the Scottish Government's response.

It also considers significant amendments lodged during Stage 2 proceedings and Scottish Government amendments proposed for Stage 3.



The Scottish Parliament  
Pàrlamaid na h-Alba

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## EXECUTIVE SUMMARY

On 29 October 2015, the Deputy First Minister and Cabinet Secretary for Finance, Constitution & Economy, John Swinney MSP, introduced the Lobbying (Scotland) Bill, together with explanatory notes, a policy memorandum, financial memorandum (and other documents) in the Scottish Parliament.

As introduced, the Bill sought to increase the public transparency of contacts between lobbying organisations and elected Members by establishing a register to contain certain details relating to lobbying by paid consultant and in-house lobbyists who engage directly (orally and in person) with MSPs and Scottish Ministers. SPICe briefing SB 15/79 Lobbying (Scotland) Bill (Oag and McGrath, 2015) provides more information on the Bill as introduced.

The SPPA Committee supported the general principles of the Bill but included in its [Stage 1 Report](#) (Scottish Parliament, SPPA Committee, 2015b) a number of recommendations, suggestions and comments. These included that the Government should consider:

- amending the definition of regulated lobbying to include communication of any kind (rather than just face to face, oral communication)
- broadening the definition of regulated lobbying beyond MSPs and Scottish Ministers to include lobbying of other public officials
- removing or replacing the exemption for meetings initiated by MSPs or Ministers from the communications listed in the schedule which are not to be considered as lobbying.

In the Stage 1 plenary debate which took place in the Chamber on 7 January 2016, the Parliament agreed the general principles of the Bill.

At Stage 2, 37 amendments were lodged (including two amendments to an amendment). Of these, 13 were Government amendments and 24 were non-government amendments.

The main changes to the Bill at Stage 2 include:

A broadening the definition of regulated lobbying to:

- bring special advisers into the ambit of the regulated lobbying regime
- include communications made using other forms of oral face to face communications (in addition to in-person communications) such as video conferencing and equivalent methods
- enable the Parliament, by resolution, to add further forms of communication, not to be considered as lobbying, to the schedule and to modify or remove these so added

Removing the exception for meetings initiated by Members or Ministers and replacing it with an exception for 'communications made on request'.

In a letter to the Convener of the SPPA Committee the Scottish Government (2016a) gave an undertaking to lodge several further amendments at Stage 3. The purpose of these amendments will be to:

- broaden the current protection for constituents' communications to include 'in-house' communications from organisations, on their own behalf, to either the constituency or list MSPs where the organisation is located (or where the individual making the communication for the organisation is a resident)".
- reduce the impact on smaller organisations and businesses by providing a general exception of communications made by legal persons, on their own behalf, which have fewer than 10 FTE staff
- extend the scope of the Bill to include communications with the Permanent Secretary of the Scottish Government within the definition of regulated lobbying
- set out on the face of the Bill that the Parliament may take such steps as it considers appropriate to promote awareness and understanding of the Act.

## STAGE 1 PROCEEDINGS

A summary of the key stages of parliamentary consideration of the Bill, together with links to associated documents, is given in table 1, below.

**Table 1: Summary of Parliamentary Consideration**

Bill formally introduced in the Parliament	29 October 2015
Designation of lead committee by Parliamentary Bureau	<a href="#">3 November 2015</a> (minutes)
Stage 1: SPPA Committee call for evidence (2015)	<a href="#">Issued: 30 October 2015</a> Closed: 30 November 2015
Stage 1: Delegated Powers Committee consideration	Official Reports: <a href="#">17 November</a> and <a href="#">1 December 2015</a>
Stage 1: SPPA Committee evidence sessions	Official Reports: <a href="#">12 November</a> and <a href="#">19 November 2015</a>
Stage 1: Delegated Powers and Law Reform Committee Report	<a href="#">2 December 2015</a>
Stage 1: SPPA Committee Stage 1 Report (2015b)	<a href="#">15 December 2015</a>
Government Response to the Stage 1 Report	<a href="#">27 January 2016</a>
Stage 1 Plenary Debate	<a href="#">7 January 2016</a>
Stage 2: SPPA Committee Consideration	<a href="#">4 February 2016</a>
Stage 3: Plenary Debate and consideration of amendments	Scheduled for 10 March 2016

## STAGE 1 COMMITTEE REPORT, GOVERNMENT RESPONSE AND STAGE 2 AMENDMENTS

Table 2 (column 1) highlights the key conclusions, suggestions and recommendations in the SPPA Committee's Stage 1 Report (SPPA Committee, 2015b) and the subsequent response of the Scottish Government (Column 2) (Scottish Government, 2016). Column 3 highlights the main amendments lodged at Stage 2 and amendments the Scottish Government proposed to lodge at Stage 3. It should be noted that Stage 2 amendments include some which were disagreed to, withdrawn or not moved.

All Government amendments at Stage 2 were agreed to by the Committee.

Stage 2 proceedings took place on 4 February 2016. The Marshalled Lists of Amendments for Stage 2 (Scottish Parliament (2016)) and Groupings of Amendments for Stage 2 (Scottish

Parliament (2016a)) and the Official Report of the SPPA Committee (Scottish Parliament SPPA Committee (2016)) are available online – see the Sources section of this briefing.

The main changes to the Bill at Stage 2 include:

- broadening the definition of regulated lobbying to:
  - bring special advisers into the ambit of the regulated lobbying regime
  - include communications made using other forms of oral face to face communications (in addition to in-person communications) such as video conferencing and equivalent methods
  - enable the Parliament, by resolution, to add further forms of communication, not to be considered as lobbying, to the schedule and to modify or remove these so added
- removing the exception for meetings initiated by Members or Ministers and replacing it with an exception for 'communications made on request'
- creating an exemption for communications made by trade unions or employers in relation to terms and conditions of employment
- making the publishing of guidance on the operation of the Act by the Parliament, and the content of that guidance, compulsory
- requiring the Parliament to report on the operation of the Act no later than 4 years after section 8 (Duty to register) of the Act comes into force.

**Table 2: Stage 1 Report recommendations and suggestions, Scottish Government response, amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3**

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
<p><b>Regulated lobbying – Definition of regulated lobbying (Before section 1)</b>                      (Numbering in Col 1 relates to the order in which recommendations etc. appear in the Committee Report)</p>		
	<p>□</p>	<p>Neil Findlay MSP lodged amendment 14 to insert a definition of lobbying into the Bill on the grounds that the Bill, as drafted, lacked a clear definition. Mr Findlay’s amendment would add parliamentary liaison officers and ‘designated public officials’ as subjects of lobbying and would define lobbying as attempts to influence, by various means of communication, the subjects of lobbying, on any matter within their competence.</p> <p>The Minister for Parliamentary Business, Joe FitzPatrick MSP, argued that the Bill already provided a clear definition of lobbying, that Mr Findlay’s amendment would introduce ambiguity and was unnecessary.</p> <p>The amendment was disagreed to on division: For 1, Against 5, Abstentions 0</p>
<p><b>Regulated lobbying – methods of communication (Section 1 and Schedule)</b></p>		
<p>(2) The Committee understands that the definition of lobbying was restricted to oral communications in order to focus the scope of the information to be captured and produce a low burden, light touch regime.</p> <p>Nevertheless, a majority of the Committee is</p>	<p>The Government’s view continues to be that face to face oral communication is the most significant and influential means of conducting lobbying and that the focus of the Bill should remain on such activity. This avoids creating a disproportionate registration regime which in practice is likely to discourage access to, and engagement with, MSPs and</p>	<p>Patricia Ferguson MSP lodged amendments 15 and 18, the effect of which would be to insert new subsections (2A) and (2B) into section 1 to expand the types of communication which would come under regulated lobbying. In addition to communications made orally and in person, new subsection (2A) would include forms of</p>

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
<p>of the view that restricting registration to oral communications is an artificial distinction which could leave a great deal of important information unregistered. <b>The Committee recommends that the Government reviews the potential impact of altering the definition at Section 1 to include communication of any kind</b> with a view to establishing what amendments to the Bill might be required. □</p>	<p>Ministers.</p> <p>The Government is not persuaded that a case has been made to justify altering the scope of the Bill to include other forms of communication such as telephone calls or written communications within the concept of regulated lobbying. <b>However, the Government does see a case for amending the Bill to provide for other forms of oral face to face communications, specifically video conferencing and equivalents, to fall within the concept of regulated lobbying.</b></p>	<p>communication such as letter, telephone and email. It would also enable the Parliament to specify other forms of communication or subsection (2B) to modify, add or remove any of the provisions in subsection (2A).</p> <p>Joe FitzPatrick said that including these additional forms of communication in regulated lobbying would: "...place a potentially very significant burden on organisations seeking to engage with the Parliament and the Government". He restated the Government's view that: "... face-to-face communication is the most significant and influential means of conducting lobbying and that the focus of the bill should remain on that activity". He went on to say that he had come to the view that: "... the Bill should incorporate all face-to-face communication regardless of the means of delivery". He lodged Government amendments 1 and 3 to include videoconferencing and equivalent means as regulated lobbying activity.</p> <p>Amendments 15 and 18 were moved by Patricia Ferguson and were both disagreed to on division: For 1, Against 5, Abstentions 0.</p> <p>Government amendments 1 and 3 were moved by Joe FitzPatrick. Amendment 1 was agreed to without division and amendment 3 was agreed to on a vote: For 5, Against 1, Abstentions 0</p>
<b>Report on operation of the Act</b>		
	<p>The Government also considers that <b>it would be appropriate for the Parliament to review the operation of the Act after two years of operation</b> and to base any potential changes to the forms of</p>	<p>The Minister, Joe FitzPatrick, lodged amendment 13 which would require a committee of the Parliament to report on the operation of the Act no later than four years after section 8 comes into force. There</p>



Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
	<p>lobbying communication covered by the regime on a firm evidential base; and therefore will consider bringing forward a relevant amendment at Stage 2.</p>	<p>would be a two year 'review period' followed by a maximum of a further two years to publish the report. This would enable the Parliament to make better informed decisions on whether changes were needed to the regulated lobbying regime including whether face-to-face communications should continue to be the principal focus of the regime or whether it should be extended to other forms of communication.</p> <p>Cameron Buchanan sought, through amendments 13A and 13B, to reduce the two year review period to 1 year and also the timescale for submission of the report to 1 year after the end of the review period. This would mean that the Parliament would have to report on the operation of the Act no later than 2 years after Section 8 comes into operation, rather than the 4 years (max) required by amendment 13.</p> <p>Amendment 13A was disagreed to after a division: For 1, Against 5, Abstentions 0. Amendment 13B was also disagreed to after a division: For 2, Against 4, Abstentions 0.</p> <p>Government amendment 13 was agreed to without division.</p>
<b>Regulated lobbying – recipients of communication (Section 1)</b>		
<p>(6) The Committee recommends that the Government <b>consider bringing forward amendments to broaden the definition of regulated lobbying to include communications made to other public officials.</b> □</p>	<p>The Government notes the Committee's recommendation and intends to reflect further on how any such broadening can be balanced against the underpinning principle of ensuring proportionality in the operation of the regime. □</p>	<p>In response to the Committee's recommendation to include other public officials in the definition of regulated lobbying, the Minister lodged amendment 2 which amends section 1 to include <b>communication with special advisers.</b> Amendment 11, which is consequential on amendment 2, adds a definition of special adviser to</p>

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
		<p>section 46.</p> <p>Government amendment 8 sought to remove the ‘catch-all’ subsection 2(1)(g) from the Bill as the Government now considered that the government and parliamentary functions defined in 2(1) (a) to (f) were sufficient to cover all incidences of regulated lobbying.</p> <p>Amendments 2, 8 and 11 were agreed to without division.</p> <p>Patricia Ferguson sought, through amendments 16 and 32, to further widen the definition of a lobbyee by including parliamentary liaison officers and senior civil servants in section 1, and to enable the Parliament, by resolution, to add any other civil servant in the Scottish Administration. Amendment 33 sought to add a definition of parliamentary liaison officer to section 46.</p> <p>Amendments 16, 32 and 33 were moved but were all disagreed to by division: For 1, Against 5, Abstentions 0.</p> <p>The Minister said that the Government was currently consulting the trade unions on possible further amendments at Stage 3 to bring certain senior civil servants within the scope of the framework.</p> <p>The Government has since given an undertaking (2016a) to extend the scope of the Bill at Stage 3 to include <b>communications with the Permanent Secretary of the Scottish Government</b> within the definition of regulated lobbying.</p>

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
<b>Regulated lobbying – Information about regulated lobbying activity (Section 6)</b>		
<p>(3) The Committee notes that altering the definition of regulated lobbying to include all forms of communication would mean that, under the Bill as drafted, the details of each contact would be required to be registered under Section 6. In the interests of proportionality, <b>the Committee invites the Government to examine Section 6 in light of any changes to the definition in order to determine whether some flexibility could be afforded that would mean that repeated contacts with the same individual on the same subject would not have to be recorded.</b></p>	<p>The Government notes the Committee’s recommendation.</p> <p>As noted above, the Government is not minded to alter the definition of regulated lobbying to include all forms of communication. Rather the Government is giving consideration to amendments to provide for other oral face to face communications, specifically video conferencing and equivalents, to fall within the scope of regulated lobbying. <b>The Government is of the view that there is no need at this stage to make changes to section 6.</b></p> <p>Section 15 of the Bill [<i>power to specify requirements about the register</i>] would in any event provide the Parliament with the power to alter the information about regulated lobbying activity to be provided under the scheme either on registration or in information returns, including the power to modify section 6. Any concern the Committee has about the provision of repeat information is capable of being addressed in due course through this mechanism.</p>	
<b>Communications which are not lobbying – communications made on own behalf (Section 1 and Schedule)</b>		
<p>(4) The Committee strongly agrees with the principle that individuals must be able to freely engage on their own behalf or in an unpaid capacity on behalf of an organisation. □</p>	<p>The Government notes and agrees with the Committee’s recommendation.</p> <p>To further ensure that the Bill does not negatively impact on the constituency role of MSPs, <b>the Government is giving consideration to an amendment which will ensure that communications by an organisation with one of that organisation’s local constituency or regional list MSPs in that capacity will not trigger the</b></p>	<p>The Scottish Government has indicated (2016a) that it will lodge an amendment at Stage 3, “...to broaden the current protection for constituents’ communications to include ‘in-house’ communications from organisations on their own behalf to either the constituency or list MSPs where the organisation is located (or where the individual making the communication for the organisation is a resident)”.</p>

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
	<b>Bill's requirements to register.</b>	This exception will not apply to Ministers.
<b>Communications which are not lobbying - Paid lobbying as threshold for registration (Section 1 and Schedule)</b>		
<p>(5) The Committee accepts that it is necessary to have a threshold or a trigger in order to focus scrutiny on lobbying activity likely to be of greatest public interest while ensuring that the regime is not over burdensome and does not inhibit those wishing to engage. On balance, the Committee agrees with the Government's approach that paid lobbying is registrable and unpaid lobbying is not registrable as the best way to achieve this.</p>	<p>The Government notes and agrees with the Committee's recommendation. □</p>	<p>Neil Findlay lodged amendments 17, 23, 24 and 26 which sought to insert thresholds into section 1 which would have the effect of removing from the registration scheme low-value lobbying and lobbying which takes up less than 20% of a lobbyist's working time over a 3 month period. These amendments would also amend section 6 (information about regulated lobbying) and insert a new section after section 6 to include a banding scheme to provide a framework for registrants in disclosing the levels of money and time spent on lobbying.</p> <p>Mr Findlay argued that these thresholds are necessary to capture lobbyists involved in significant amounts of lobbying activity while ensuring that small-scale lobbying is not caught. This would reduce any perceived burden on small community organisations, charities and businesses as well as remove the danger of restricting engagement with the Parliament.</p> <p>While sympathising with the intention behind the amendments, the Minister felt that they would introduce complexity and ambiguity into the registration regime. He argued that such matters would be best dealt with in the context of the formal review process proposed in Government amendment 13 (discussed above).</p> <p>Amendments 17, 23, 24 and 26 were moved but all were disagreed to by division: For 1, Against 5,</p>

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
		<p>Abstentions 0.</p> <p>The Scottish Government has since indicated (2016a) that it will lodge an amendment at Stage 3, with the intention of reducing the impact on smaller organisations and businesses by providing a general exception of communications made by legal persons, on their own behalf, which have fewer than 10 FTE staff</p>
<b>Communications which are not lobbying - Exemption for meetings initiated by MSPs or Ministers (Schedule)</b>		
<p>(7) The Committee is concerned about the workability of the exclusion in the schedule for meetings initiated by MSPs or Ministers. The Committee asks the Government to re-examine the practicality of the exclusion and consider removing or replacing it at Stage 2.</p>	<p>The Government notes the Committee's recommendation.</p> <p><b>The Government is considering amendments to the current exception in paragraph 5 of the schedule to the Bill to provide further clarity as to the circumstances in which an MSP or Minister can seek information from a person without that person then requiring to register.</b> In particular, the Government is giving consideration to focussing the exception on the provision of factual information or views. □</p>	<p>Joe FitzPatrick lodged amendment 6 in response to the Committee's request for the Government to re-examine the exception in the schedule to the Bill on meetings initiated by Members or Ministers. The amendment removes this exception and replaces it with an exception for 'communications made on request' (new para 4A). This extends only to the provision of factual information or views from the person to whom the request is made, or to a person acting on behalf of that person.</p> <p>Amendment 6 was agreed without division.</p>
<b>Communications which are not lobbying - Exemption for trade union negotiations (Schedule)</b>		
<p>(1) The Committee notes that legislation in other jurisdictions contains an exemption for trade union negotiations and invites the Government to consider whether the Bill should be amended to introduce a similar exclusion to the schedule. □</p>	<p>The Scottish Government notes the Committee's recommendation and is giving consideration to bringing forward an amendment to create an exception so that any communication by a Trade Union or employer to a Minister or MSPs which is part of, or relates directly to, the terms and conditions of employees will not amount to regulated lobbying for the purposes of the Bill.</p>	<p>Amendment 7 was lodged by Joe FitzPatrick in response to the Committee's suggestion that the Government give consideration to a potential exception in the schedule that would cover all trade union communications. The amendment proposes to exempt communications made by trade unions or employers in relation to terms and conditions of employment.</p> <p>Amendment 5 is also a Government amendment to</p>

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
		<p>provide the Parliament with a resolution-making power to add to the current list of exclusions contained in the schedule to the bill. That power will also give the Parliament the ability to amend or remove any such additions that are made.</p> <p>(Note, however, that the <a href="#">Supplementary Delegated Powers Memorandum</a> which accompanies the Bill as amended at Stage 2, emphasises that this power does not include the modification or removal of any communication listed in the schedule at the point the Bill is enacted)</p> <p>Amendments 5 and 7 were agreed without division</p>
<b>Communications which are not lobbying - Exemption for journalism (Schedule)</b>		
(8) The Committee notes that any guidance on the Act must set out the definition of journalism in order to provide clarity on precisely what types of communication would attract the exemption.	The Government notes and agrees with the Committee's conclusion.	No amendments were lodged at Stage 2 to define journalism for the purposes of the Bill.
<b>Information about identity (Section 5)</b>		
<p>(9) The Committee is satisfied that the inclusion of individuals' names on the register will enable those with an interest to probe the employment history of those involved in lobbying.</p> <p>The Committee further notes that Parliament would be able, following exercise of its resolution making power at Section 15(1) of the Bill, to make provision requiring information on the employment history of lobbyists to be included on the register itself.</p>	The Government notes and agrees with the Committee's conclusion.	Neil Findlay lodged amendments 19 to 22 to introduce a requirement for people who register to provide information about their employment history, or the employment history of those who lobby on their behalf for the previous 5 years. Mr Findlay argued that this was a proportionate requirement to prevent: "...the so-called revolving door, whereby former ministers, senior civil servants, special advisers and others who work at senior levels of Government build up an extensive contact list of influential people, and then leave that post to go on and exploit that contact book for commercial or

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
		<p>financial gain”.</p> <p>Amendments 19 to 22 were not agreed to after a division: For 1, Against 5, Abstentions 0.</p>
<b>Information about regulated lobbying activity - Disclosure of expenditure on lobbying</b>		
<p>(10) The Committee understands the public interest value in revealing how much is spent on lobbying and notes that it will be within the Parliament’s powers (under section 15, Power to specify requirements about the register) to require registered organisations to disclose their level of expenditure on lobbying. □</p>	<p>The Government notes the Committee’s conclusion. It is the Government’s position that the question of whether, and if so what, financial information ought to be provided by registrants is an issue which it would be appropriate to consider as part of the proposed review of the operation of the Act.</p>	
<b>Offences and sanctions – proportionate penalties and warnings (Section 42)</b>		
		<p>Neil Findlay lodged amendment 28 which sought to enable an initial warning rather than a penalty to be given to a new lobbyist (someone who has been lobbying for 6 months or less) who commits a section 42 offence, and for more serious penalties to apply to second or subsequent offences of a fine of up to the statutory maximum (£10,000), and/or for that person to be prevented from lobbying for three years. Mr Findlay argued that this was, “...part of a proportionate system of warning and penalty that alerts organisations to the fact that they may not as yet have registered or fulfilled their responsibilities under the legislation”.</p> <p>Joe FitzPatrick argued that the outcomes from the amendment would lack clarity in that, for example, it is not clear which lobbying an offender would be prevented from undertaking or how the sanction would be enforced. Further, he said that such a</p>

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
		<p>sanction was not proportionate. He also suggested that the Clerk would face difficulties in determining whether a person should be given notice or is liable to a fine. More generally, the Minister considered that the existing statutory framework in the Bill provides a proportionate approach to offences.</p> <p>The amendment was moved but disagreed to by division: For 1, Against 5, Abstentions 0.</p>
<b>Offences and sanctions – referral of minor offences to the Clerk by the Commissioner</b>		
<p>(11) While the Committee accepts there is nothing in the Bill that compels the Commissioner - or for that matter, the Clerk – to refer offences to the Procurator Fiscal, it wishes to be reassured that an arrangement for the referral of minor and first time offences to clerks for educative steps was acceptable to all parties - including the Crown Office and Procurator Fiscal Service. □</p>	<p>The Government notes the Committee's recommendation and is continuing discussions on the practical arrangements in this area with the Crown Office and Procurator Fiscal Service.</p>	
<b>General principles of the bill</b>		
<p>(12) The Committee agrees that the core principles of the Bill should be agreed at this legislative stage and appear in the Act. It is content that the powers delegated to the Parliament, including those to make further provision on the operation of the register about information notices and to direct the Commissioner and produce guidance about the regime, afford an appropriate level of flexibility that will ensure that lessons learned in the course of implementation can be</p>	<p>The Government notes and agrees with the Committee's conclusion.</p>	



Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
addressed.		
<b>Information for registrants (After Section 14)</b>		
		<p>Amendment 25, lodged by Cameron Buchanan, would place a statutory requirement on the Clerk of the Parliament to provide all registrants with various information relating to parliamentary business and deadlines. The rationale for this amendment would be to incentivise registration among lobbyists.</p> <p>Patricia Ferguson MSP argued that this would be an unnecessary use of parliamentary resources as lobbyists should already be aware of parliamentary deadlines and consultations.</p> <p>The amendment was withdrawn by agreement.</p>
<b>Parliamentary guidance (Section 43)</b>		
		<p>Cameron Buchanan lodged amendments 29 and 30 to make it a statutory (rather than optional) requirement for the Parliament to publish guidance on the operation of the Act (section 43(1)) and also to make the contents of that guidance statutory (section 43(2)).</p> <p>Both amendments were moved by John Scott MSP and agreed to without division.</p> <p>Neil Findlay lodged amendment 31 which would insert new subsections (2A) and (2B) into section 43 to give a discretionary power to the Parliament to make information available to promote awareness of the Lobbying Act. Subsection 2(B) would require the Parliament to make funding available for this.</p>

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
		<p>The amendment was defeated on division: For 2, Against 4, Abstentions 0.</p> <p>However, the Scottish Government (2016a) has since undertaken to bring forward an amendment at Stage 3 to set out on the face of the Bill that the Parliament may take such steps as it considers appropriate to promote awareness and understanding of the Act</p>
<b>Code of Conduct (Section 44)</b>		
(13) The Committee welcomes the provisions on the code of conduct, which will allow the Parliament to direct and guide those making communications of any kind and need not be restricted only to contacts which conform to the definition of regulated lobbying.	The Scottish Government notes and agrees with the Committee's conclusion.	
<b>Lobbying Register (Section 3)</b>		
(14) The Committee supports the general principles of the Bill that a lobbying register should be established and that it is backed by a code of conduct and an educative compliance regime with sanctions as a last resort.	The Scottish Government notes and agrees with the Committee's conclusion.	
<b>Commencement (Section 50)</b>		
		Cameron Buchanan lodged amendment 34 to insert a requirement that lobbyists would not be required to register less than 3 months after the register is established under s3. Amendment 35 would insert a similar requirement in relation to the publication of guidance under s43. John Scott, speaking to the amendments, argued that they would, "allow

Committee recommendation or comment	Government Response	Amendments lodged at Stage 2 and Scottish Government amendments proposed for Stage 3
		<p>potential registrants to become accustomed to using the register so that any technical difficulties or misunderstandings can be addressed before sanctions come into force”.</p> <p>The Minister argued that putting such requirements into statute was unnecessary and that the timing of the coming into force of the Bill’s provisions should be left to the Parliament.</p> <p>Both amendments were moved by John Scott but were not agreed to on a division: For 1, Against 5, Abstentions 0.</p>

The [Bill as amended](#) at Stage 2 was published on 5 February 2016

## SOURCES

*Lobbying (Scotland) Bill (as introduced)* (2015) Edinburgh: Scottish Parliament. Available at: [http://www.scottish.parliament.uk/S4\\_Bills/Lobbying%20\(Scotland\)%20Bill/SPBill82S042015.pdf](http://www.scottish.parliament.uk/S4_Bills/Lobbying%20(Scotland)%20Bill/SPBill82S042015.pdf)

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