



The Scottish Parliament  
Pàrlamaid na h-Alba

Lobbying Register | Clàr-coiteachaidh

# Common Scenarios

Examples to help you understand the Lobbying (Scotland) Act 2016



## Contents

Introduction.....	3
TYPES OF CONVERSATION .....	4
 Informal discussions.....	4
 Events .....	5
 Umbrella organisations .....	8
 Speeches & Q&A .....	8
 Awareness of those being lobbied.....	9
COMMUNICATIONS WHICH ARE NOT LOBBYING.....	10
 Communications made on an individual’s own behalf .....	10
 Communications made to a Member for constituency or region (MSPs).....	10
 Communications not made in return for payment.....	12
 Communications made by small organisations .....	14
 Communications in Parliament or required under statute.....	15
 Communications made on request.....	15
 Cross-Party Groups (CPGs).....	16
 Journalism .....	16
 Communications in relation to terms and conditions of employment.....	17
 Communications by political parties .....	17
 Government and Parliamentary communications etc. ....	17
USING THE LOBBYING REGISTER .....	19
 Registration.....	19
FURTHER INFORMATION .....	21

# Introduction

The following examples are intended to help you understand activities that could be **regulated lobbying** in relation to the Lobbying (Scotland) Act 2016 (hereafter “the Act”).

These examples are based on scenarios raised with us by stakeholders.

The Common Scenarios should not be taken as an absolute guide to determining whether your activities would amount to regulated lobbying. If in doubt you should always consult the Parliamentary Guidance and the Act itself as the core reference points, particularly in more complex situations. You may also wish to contact the Lobbying Register Team for assistance.

However, we hope that the examples set out in this document will help you to refer to a number of situations you may find yourself in where regulated lobbying could take place.

In reading these examples you may also find the following sections of the main [Parliamentary Guidance](#) will assist your understanding of what is, and what is not, regulated lobbying.

- The 5 Key Steps to Regulated Lobbying – in our Quick Guide section of the Parliamentary Guidance, these steps can help you to further determine whether your discussions are, or are not, regulated lobbying, in terms of the Act.
- Communications which are not lobbying – both the Quick Guide section of the Parliamentary Guidance and a further dedicated section (Communications which are not lobbying) set out the 13 exemptions to the Act. Activities within the categories covered by these exemptions are not regulated lobbying, in terms of the Act.

**Lobbying Register Team**  
The Scottish Parliament

## TYPES OF CONVERSATION



### Informal discussions

I know the Act applies only to face-to-face discussions but I used video-conferencing technology to lobby a Scottish Minister. Does this count as regulated lobbying?

Yes. Regulated lobbying applies to oral communications, made face-to-face to MSPs and to the Scottish Government's Ministers, Scottish Law Officers, Special Advisers and Permanent Secretary. This can be in person or by any form of video-conference where the device allows participants to see and hear each other.

I am confused as I have to report my lobbying activity differently in other countries. Do I have to declare letters and other items?

No. The Act does not apply to any type of communication other than face-to-face. So, regulated lobbying does not include emails, letters, tweets, phone calls, etc.

I work for an organisation/company and have met a Scottish Government Special Adviser recently to discuss an issue of concern in which they have a policy interest. I am aware this discussion must be recorded as regulated lobbying. However, we also discussed wider issues that are not within the Scottish Government's remit – do I report those too?

No, unless you feel it will add context and help to make sense of your Information Return. Regulated lobbying applies only to discussions about [Scottish Government or parliamentary functions](#) as defined in the Act. You must record any lobbying that relates to those functions.

I work for an organisation/company and I bump into an MSP in the street – we are already well acquainted. The conversation turns towards work related issues. Is this regulated lobbying?

It depends on the conversation. Significantly, the Act does not limit where or when regulated lobbying may take place and takes a broad view of what lobbying activity is.

So, any (paid) individual meeting an MSP, Scottish Government Minister, Scottish Law Officer, Special Adviser or the Permanent Secretary could be engaged in regulated lobbying, regardless of the occasion or informality of the situation.

Check the **5 Key Steps** in the parliamentary guidance to determine your specific situation and review the list of exemptions to the Act.

I am a paid employee for an organisation/company and I sat next to the Scottish Government's Permanent Secretary at a dinner I attended. We had a discussion about issues related to my organisation/company. Is this regulated lobbying?

It depends on the conversation. As mentioned in the example above, you could be engaged in regulated lobbying, regardless of the occasion or informality of the situation.

Check the **5 Key Steps** in the parliamentary guidance to determine your specific situation and review the list of exemptions to the Act.

I play sport regularly with an MSP and they ask me how work is going? We have a discussion about what I am doing just now. Is this regulated lobbying?

Again, you could be engaged in regulated lobbying, regardless of the occasion or informality of the situation. Check the **5 Key Steps** in the parliamentary guidance to determine your specific situation and review the list of exemptions to the Act.



### Events

I am arranging an event at the Scottish Parliament, with a big guest list, including MSPs. How should I handle the event in terms of regulated lobbying?

Events arranged within the Parliament are not part of formal parliamentary proceedings, so communications that take place in this context are not exempt from the definition of regulated lobbying. Such events are likely to be attended by MSPs and Scottish Ministers (and perhaps the Scottish Government's Permanent Secretary or Special Advisers).

If you are arranging such an event, you must make sure all of your (paid) employees or other office holders attending the event are aware of the need to remember (and report back) any conversations relevant to your own organisation which meet the **5 Key Steps**.

Your organisation should then record each instance on the Lobbying Register via separate Information Returns. You are not responsible for recording communications made by other guests who are not paid representatives of your own organisation.

I was invited to attend a Scottish Parliamentary event hosted by another organisation which is not my employer. I had conversations with a number of MSPs and a few Scottish Government Ministers, some of whom I know very well. Do I need to record these on the Lobbying Register?

It's possible that you have engaged in regulated lobbying if you have discussed Government or parliamentary functions with the individuals identified by the Act and you were doing so in your capacity as a paid employee.

## Lobbying Register | Clàr-coiteachaidh

Check the **5 Key Steps** in the parliamentary guidance to determine your specific situation and review the list of exemptions to the Act.

I was invited to attend a Parliamentary event by parliamentary staff. Because I was invited, does that mean I can't be engaged in regulated lobbying?

It depends on the nature of the event you are invited to. There is an exemption within the Act for discussions if they are part of formal proceedings (e.g. during a formal Committee meeting).

The reason for this exemption is that formal proceedings are already recorded in full and published online in the Parliament's Official Report, or are recorded by means of a published agenda and minute of the proceedings, so additional reporting on the Lobbying Register is not required.

Communications at any other type of parliamentary event are not exempt and could amount to regulated lobbying under the Act.

I attend a number of Scottish political party conferences for promotional reasons. I speak to a large numbers of MSPs (and at one conference some Scottish Ministers and Special Advisers). As these are political events, do I need to register any of this activity on the Lobbying Register?

Party conferences are not specifically exempted from the Act. Such events should therefore be treated in the same way as any other types of face-to-face contact with MSPs, Ministers and Special Advisers.

I am a consultant paid to represent a range of companies and organisations. I am often involved in the arrangements for meetings to discuss issues with MSPs and Scottish Ministers which will be covered as regulated lobbying; however I very rarely attend the discussions. What do I need to register?

Only those individuals who make a communication need to be recorded on the Lobbying Register. However, if you engaged in lobbying during face-to-face contact with an MSP or Minister when setting up a subsequent meeting then that should also be recorded on the Lobbying Register.

I am a consultant and I am often paid to participate in regulated lobbying on behalf of my clients. If I attend a meeting with my clients, where I engage in regulated lobbying with them, do we both have to record details of this meeting on the Lobbying Register?

As with above, those who participate in meetings where regulated lobbying takes place need to record those details on the Lobbying Register. In this case, as you are not included in any part of your client's registration details (i.e. you are not directly employed by the client) you also need to record your own activity on the Lobbying Register.

My organisation has invited a Scottish Government Minister to visit our workplace. During the visit they meet a range of our staff, from those who work on our shop floor to our Chief Executive and board members. How does regulated lobbying work under these circumstances?

To be considered as regulated lobbying any face-to-face discussion with the Minister would have to meet the **5 Key Steps** in the parliamentary guidance. As this guidance makes clear, not every conversation that takes place would be regulated lobbying. For example, staff simply answering questions from a Minister about their role or what it is like to work for the organisation are very unlikely to touch on Government and parliamentary functions.

However, other discussions during the visit may well be regulated lobbying, under those same conditions. For example, if the Chief Executive or other paid representatives raise issues that relate to the functions of the Scottish Government, such as possible funding support or concerns they have about skills training. If you are arranging such a visit, you will want to make sure that those staff likely to engage in such discussions are aware of their responsibilities and report back any relevant conversations for recording on the Lobbying Register.

I spoke with a number of MSPs at an event at different times during the evening. As I was discussing the same issue on behalf of my organisation can I just submit one Information Return?

No. The Act specifies that an Information Return has to be submitted for “each instance” of regulated lobbying. If you were having a collective discussion with a number of MSPs, then that can be considered as one instance. Otherwise separate discussions with individual MSPs would require separate returns. This takes into account that although the subject matter may be common, no two conversations are exactly the same. The Lobbying Register does however allow you to use a previous Information Return (either one of your ‘saved’ draft returns or a return already submitted) as the basis for another Information Return. This copy can then be amended appropriately before submitting.

I work for a national organisation which represents companies from across Scotland. I often arrange visits to the local companies we represent by writing to or phoning MSPs and Ministers, however I don't attend the visits. I need to know who should record these activities on the Lobbying Register.

To be considered regulated lobbying the communication has to be face-to-face. So, setting up such visits would only need to be recorded on the Lobbying Register if the arrangements were made through a face-to-face meeting or video-conference with the MSP or Scottish Minister concerned and the discussion constituted regulated lobbying.

The companies concerned may need subsequently to record the visit, if other exemptions did not apply (e.g. communications made to a member for constituency or region, covered further below). In those cases, check the **5 Key Steps** in the

## Lobbying Register | Clàr-coiteachaidh

parliamentary guidance to determine the specific situation and review the list of exemptions to the Act.



### Umbrella organisations

I participate on a group which represents a number of other organisations and they all agree I can lobby on their behalf. Who should register?

If the group or network has a formal status (e.g. the group or network is formally constituted and, for example, provides you with a salary) then that group or network should register. However, if a group or network has no formal status (e.g. it is an informal coalition created to campaign on a particular issue), it will not be able to register.

In those circumstances you would record your activity with reference to the relevant registered organisation that provides you with payment. To ensure transparency and searchability on the Lobbying Register, you can add details in the description section of your Information Returns explaining your role and the group or network you are representing.

The same would apply to any other members of the group who may participate with you when lobbying – they would record activity through their registered employer and they can also make reference to the group/network in the description section of the relevant Information Return.



### Speeches & Q&A

I am making a speech at an event. I note regulated lobbying can occur in any situation where an MSP, Scottish Government Minister, Special Adviser or Permanent Secretary may be present. It's likely that some of these people may be in the audience. Does this mean I need to record my speech as regulated lobbying?

Speeches (or any other face-to-face activities) are not exempt under the Act.

Whether your speech, or a part of your speech, amounts to regulated lobbying will depend on the particular circumstances. One factor would be whether anything in your speech is targeted at (say) an MSP in the audience; this would point towards that part of the speech being registrable.

Check the **5 Key Steps** in the parliamentary guidance for more information.

I was invited along to a Q&A session, chaired by a Scottish Government Minister. I asked a question of the Chair. Do I need to record this on the Lobbying Register?

Possibly. The Act does not specifically define Q&A sessions (or any other face-to-face activities) as exempt. In terms of this example, asking a question directly of a Minister may be regulated lobbying.

Check the **5 Key Steps** in the parliamentary guidance to determine your specific situation and review the list of exemptions to the Act.



### Awareness of those being lobbied

What if I didn't know I was talking to an MSP, etc.?

MSPs and the Scottish Government's Ministers, Special Advisers and Permanent Secretary are fully aware of the legislation and the obligations placed on those who lobby them. As such, many will aim to identify themselves in more informal situations where it may not be obvious what their position is (e.g. events, conferences, etc.).

The parliamentary guidance has links to existing web pages which will help you to identify MSPs and the Scottish Government's Ministers and Permanent Secretary. A link is also provided to the names and roles of current Special Advisers.



### More information

Further information relating to the topics covered above is contained in the following chapter of the Parliamentary Guidance:

- [Types of Conversation](#)

## COMMUNICATIONS WHICH ARE NOT LOBBYING



### Communications made on an individual's own behalf

I have my own personal views about issues which I want to raise which overlap with my role as a lobbyist, given the wide range of activities I cover. Where is the line drawn?

If you are paid to lobby then all face-to-face discussions you have in that paid lobbying role may be considered as regulated lobbying. This does not prevent you from approaching an MSP or Minister in a personal capacity to raise other issues in the same way as any other individual, but this must be distinct from your paid role. The onus is on you to determine whether you are raising matters that affect your employer – regardless of whether they overlap with your own personally held views.



### Communications made to a Member for constituency or region (MSPs)



This exemption does not apply to MSPs who are also Scottish Government Ministers.

I have invited our local MSP, who also happens to be a Scottish Government Minister, to visit our local outlet/workplace to understand better the work we do. Is this sort of local activity exempt from regulated lobbying?

Normally, this type of engagement with your local MSP would be covered by this exemption. However the Act does not exempt local MSPs who are also Scottish Government Ministers. This was on the basis that even local issues raised with that category of MSP could relate to the collective responsibilities of Ministers in the Scottish Government and therefore require full transparency.

It is therefore possible, in this example, that regulated lobbying could take place. Check the **5 Key Steps** in the parliamentary guidance to determine your specific situation and review the list of exemptions to the Act.

We have asked along our local MSP to open our new premises. What do I need to know?

As mentioned in the example above, this type of contact with a constituency or regional MSP would be exempt, as long as the MSP is not also a Scottish Government Minister.

Our company/organisation is represented in many areas across Scotland. How can we figure out what is regulated lobbying and what is not?

If your local presence in an MSP's constituency or region is not obvious, you should consider whether your activities are, in the specific wording of the Act, those which are "ordinarily carried on" in that local area. The intention of the exemption is to ensure genuine communication between local businesses or organisations and constituency or regional MSPs does not need to be registered.

I work for a national charity. My organisation operates a number of shops in various different constituencies and regions across Scotland. How does the exemption affect what my organisation is required to register?

The exemption for *Communications made to member for constituency or region* means that communications which would otherwise be regulated lobbying do not need to be registered if made to an MSP representing a constituency or region in which any of the following are situated:

- a place where your organisation's business is ordinarily carried on,
- a place where your organisation's activity is ordinarily carried on, or
- your personal residence

In this example, that means communication about any matter (not just local issues) made to a constituency or regional MSP representing an area in which the organisation has a shop does not meet the definition of regulated lobbying and does not need to be registered.

However, if the MSP is also a Scottish Government Minister then this exemption doesn't apply and the communication may need to be registered.

The exemption would also not apply if you were making a communication on behalf of a third party i.e. an individual or organisation other than your own.

I work for a company based in one Scottish Parliamentary constituency or region but I actually live in a different constituency or region. Am I free to lobby my own local MSPs on behalf of my company which is not based in this constituency or region?

Yes, the exemption does extend to communications you make to representatives of the constituency or region in which you reside. This exemption applies even though you are acting on behalf of your employer, whose business is located elsewhere.

I work for a local charity which provides debt advice and assistance to individuals. If I meet with the constituency MSP or one of the regional MSPs for the area in which my organisation operates is that communication exempt?

If you are communicating on behalf of your organisation and not on behalf of a third party (e.g. a client) then the communication may be exempt. However, if the MSP is also a Scottish Government Minister then this exemption doesn't apply and the communication may need to be registered.

Importantly, the *Communications made to member for constituency or region* exemption doesn't apply if you are making the communication on behalf of someone else. So, if you are raising the case of a client with an MSP you may need to register the communication unless another exemption applies. Check the **5 Key Steps** in the parliamentary guidance to determine your specific situation and review the list of exemptions to the Act.

I work for a locally based public affairs company and lobbied a local MSP alongside a client company also based in the area. I understand that as a local company they don't need to record this discussion. As we are also based locally, do we need to record this?

Yes. The exemption doesn't apply if you are acting on behalf of a third party. In this example you were lobbying on behalf of your client company.

I work for a company and met my local MSP on a visit to the Scottish Parliament, not actually in the constituency/region. We also discussed a very wide range of topics of interest to my company, not just local issues. Would I have to register any of this discussion?

No. The exemption applies wherever the conversation takes place and regardless of the topics being discussed.



### Communications not made in return for payment

I note the Act says regulated lobbying is for payment "of any kind" regardless of whether payment is made "directly or indirectly for making the communication". Some time ago I received a small gift from an organisation of which I'm a member and I have very rarely lobbied on their behalf. Does such a small gift, given a number of years ago, count as payment?

It's possible. The Act does not specify any minimum level of payment. As such, payment can include gifts, regardless of their value.

Any gifts received before the Act came into force would not be relevant, however anything accepted since 12 March 2018 could be. Consider carefully the reasons for which you have accepted any gifts or payment in kind, as it is possible a complaint could be made that you received payment for lobbying and did not record this.

We invited an individual who has carried out a project/received money from our organisation, but who is not employed by us, to a parliamentary reception. Would their participation at the event, when highlighting the work they carried out on our behalf, be viewed as regulated lobbying?

The Act includes payments of any kind, directly or indirectly, relating to the lobbying. The individual would therefore have to register this, unless another exemption applies. You may wish to make this clear to the individual concerned.

As an organisation we sponsored a think-tank report, which we then used to lobby MSPs. How does that affect both the think-tank and our organisation in terms of regulated lobbying?

Your organisation must record any regulated lobbying, whether based on the report or not. The think tank does not appear, from the example, to have carried out any lobbying at all, let alone regulated lobbying.

We have an honorary representative for our organisation, which is an unpaid position. They occasionally help us to lobby by attending meetings with MSPs and Ministers and providing their input at those meetings. Do I record their attendance at these meetings if they are unpaid?

You can, if you wish. If unpaid representatives attend discussions with any paid representative, then that unpaid representative can be included in the Information Return under the box 'Name of the individual who made the communication', if you wish.

I am a consultant and I have attended a meeting with my client, during which regulated lobbying took place. I have not charged my client for that part of my service however. Do I record my attendance, even though I chose not to take payment?

The Act includes lobbying where there is direct or indirect payment. You should register any activity when you participate in regulated lobbying where there is an overall financial relationship between you and your client.

I volunteer for a large national charity and raise issues with MSPs and Ministers from time to time. Do I have to register?

No. The activity you are carrying out is not regulated lobbying if you do not receive payment for your services.



### Communications made by small organisations

We are a small charity, with fewer than 10 employees. However, I see the exemption for small organisations does not cover 'representative bodies'. Do we have to register?

No, unless you are a representative body.

The aim of the exemption is to relieve small organisations from the burden of registration. Whilst many small charities will lobby to promote the aims and purpose of their members and supporters, this does not necessarily mean the charity is a 'representative body'.

Representative bodies are those organisations constituted with a core purpose of representing the interests of other people. If your organisation does not actively seek, consider and promote the views of your members or supporters it would not be a representative body and you should not register.

Your governing document and/or other founding documentation may help you to determine whether the organisation is constituted in a way that fits the description of a representative body described above.

We are a small organisation with 7 full-time employees, 3 part-time employees and several paid directors and paid trustees. The Act says we are exempt if we have "fewer than 10 full-time equivalent employees". We have engaged in lobbying with a Scottish Minister about an issue relevant to us. How do we work out if this needs to be recorded on the Lobbying Register?

The Act provides a formula to work out whether this exemption applies – in the [schedule at paragraph 9](#).

- (a) find the total number of hours worked by all the employees of the person in the 28 days ending with the date on which the communication was made,
- (b) divide that number by 140.

In the example above you would count all hours worked in 28 days ending with the date of the lobbying. That would be for:

- 7 full-time employees (e.g. 35 hours worked x 21 days worked = **735** hours)
- 3 part-time employees (e.g. 17 hours worked x 21 days worked = **357** hours)
- any additional hours worked by any employee, director (including shadow director) or other office-holder, partner, member or paid trustee of the company (e.g. total hours for the paid directors and trusts = **27** hours).
- Total is 1119 hours ÷ 140 = approx. **8**.

## Lobbying Register | Clàr-coiteachaidh

So in this example fewer than 10 full-time equivalent employees were in post on the date the lobbying occurred so it is exempt from registration.



### Communications in Parliament or required under statute

We have been invited to attend a Scottish Parliament Committee's business planning day. Does this count as regulated lobbying?

It could. While communications made in proceedings of Parliament are exempted from the definition of regulated lobbying, informal committee planning events are **not** formal proceedings and you would therefore need to apply the **5 Key Steps** in the parliamentary guidance to determine whether you are required to register.

While your participation in an away-day does not meet the exemption for formal proceedings of Parliament, it is possible that it will meet the exemption made in the following scenario – “Communications made on request”.



### Communications made on request

I work for a company/organisation and called an MSP's office. In the course of the conversation we agreed it would be good to meet up to discuss an issue. I did not instigate this, so should I record the subsequent meeting on the Lobbying Register?

The phone-call outlined above is not regulated lobbying, as it is not face-to-face contact with an MSP. However, in terms of the planned meeting, which will be face-to-face, you will have to consider carefully who issued the invitation.

The purpose of this exemption is to allow MSPs and their offices, by their initiative, to request factual information or views on a topic(s) e.g. in terms of a policy matter they are concerned about. Discussion of these matters would be exempt and therefore not regulated lobbying.

As this example started with a phone-call made by you to the MSP's office, you will have to be sure that you did not initiate the meeting.

The same circumstances apply to requests made by the Scottish Government's Ministers, Permanent Secretary or Special Advisers, including requests made on their behalf by their private offices or other civil servants representing them.

I met with a Scottish Minister after a request from their private office to discuss information or views on a topic(s). While at the meeting a number of other issues were discussed. Should I therefore record this meeting on the Lobbying Register?

As the meeting was requested by the Ministerial private office, topics that you were invited to discuss are exempt.

## Lobbying Register | Clàr-coiteachaidh

Discussion of other topics would not be covered by this exemption, unless they had also been so requested. Any other issues raised by you would not be exempt. As such, you will have to consider, based on the **5 Key Steps**, whether any of those discussions have now become regulated lobbying and, if so, record the details on the Lobbying Register.

The same circumstances apply to discussions with MSPs or the Scottish Government's Permanent Secretary and Special Advisers.



### Cross-Party Groups (CPGs)

I am a member of a Cross-Party Group. I have a discussion with one of the MSPs before or after the meeting but it relates to the Group's discussions. Do I need to record this?

There is no exemption for discussions that take place outside of a quorate meeting of the CPG, even if you are a member of the CPG concerned. A meeting is quorate when at least two MSPs who are members of the Group are in attendance.

It is therefore possible, in this example, that regulated lobbying could take place.

Check the **5 Key Steps** in the parliamentary guidance to determine your specific situation and review the list of exemptions to the Act.



### Journalism

I am a journalist but also hold an executive position in the media business I am employed by. I'm aware that journalism is exempt from regulated lobbying. Does that apply to everything I do as a journalist and we do as a media based business?

No. The Act exempts communications for "purposes of journalism" and provides no further definition. Some journalists could potentially lobby on behalf of their business and some also act in another capacity, for example as PR consultants.

If you were to lobby in that different type of capacity you should be aware that this could very well be regulated lobbying. For example, you have concluded an arranged media interview on a certain topic and post-interview you use the opportunity to inform or influence a Scottish Minister about a specific policy they are responsible for, which could benefit your business interests.

The exemption removing "communications made for the purposes of journalism" is very wide ranging. How do I know when I am acting beyond journalistic purposes?

As with the example above, you will need to consider the activity you are undertaking. If you consider the activity as journalism, you should be clear with the MSP, Scottish Minister etc., what the purpose of the discussion is for (e.g.

## Lobbying Register | Clàr-coiteachaidh

conducting an interview which will subsequently be reported in your publication/website etc.).

If you do act in any other capacity, as mentioned in the example above, it is very important you are clear and transparent about the role in which you are operating. As always, check the **5 Key Steps** to consider whether you have engaged in regulated lobbying.



### Communications in relation to terms and conditions of employment

We are having face-to-face discussions with a Scottish Government Minister about potential job losses in our company. This is very sensitive; do we need to record this on the Lobbying Register?

No. A specific exemption applies when discussing such matters with MSPs, or the Scottish Government's Ministers, Special Advisers or the Permanent Secretary. This also applies when trade unions have similar discussions



### Communications by political parties

Our company/organisation met with a political party, at our request, as we wanted to provide views in relation to a policy they will include in a future election manifesto. Is this regulated lobbying?

This exemption is for communications made **by** (or on behalf of) political parties, not communications made **to** political parties.

In the circumstances outlined above, where you have initiated communication, it is possible that you have engaged in regulated lobbying if you discussed Government or parliamentary functions (with an MSP, Minister, etc.) and you were doing so in your capacity as a paid employee. As always, check the **5 Key Steps** to consider whether you have engaged in regulated lobbying.



### Government and Parliamentary communications etc.

Our organisation is already required to comply with Freedom of Information (FOI) legislation – my understanding is that we therefore don't need to record any information on the Lobbying Register?

Yes, that's correct. If your organisation is subject to the requirements of either Scottish or UK FOI legislation then you are exempt from having to register on the Lobbying Register. Useful links are here:

- [Freedom of Information \(Scotland\) Act 2002](#)
- [Freedom of Information Act 2000 \(the UK Act\)](#)

## Lobbying Register | Clàr-coiteachaidh

However, voluntary registration and the submission of Information Returns is an option open to you. The Lobbying Register Team will be able to provide further information on voluntary registration.



### More information

Further information relating to the topics covered above is contained in the following chapter of the Parliamentary Guidance:

- [Communications which are Not Lobbying](#)

## USING THE LOBBYING REGISTER



### Registration

I work for a company/organisation based outside of Scotland. Do I need to be aware of the Act?

Yes, regulated lobbying can take place regardless of where you are based.

We are a company based overseas and understand we have to register if we engage in regulated lobbying with Scottish MSPs and Ministers, Special Advisers or the Permanent Secretary of the Scottish Government. However, as we are overseas we do not have a registered UK company number – this seems to be a requirement when registering as a company on the Lobbying Register?

If you are an overseas company without a UK registered company number, use the category of 'Other' during online registration, rather than the category of 'Company'.

We are a company/organisation whose activities are exempt under the Act. However we would still like to join the Lobbying Register as we do lobby those defined under the Act and would like to be fully transparent about this. Can we?

Yes. Voluntary registration (and submission of Information Returns about your lobbying activity) is possible if you lobby MSPs and Ministers, Special Advisers or the Permanent Secretary of the Scottish Government face-to-face. Contact the Lobbying Register Team in the first instance – they can take you through how to register and the particular circumstances that apply to voluntary registrants using the Lobbying Register.



### Information Returns

I work for a company/organisation with wide UK and world interests. We met with a Minister to discuss a range of matters, some of which related to policy matters within Scotland and some to UK, European and other worldwide policy matters. What do we record on the Lobbying Register?

Regulated lobbying only applies in relation to Scottish Government or Scottish parliamentary functions. If you need to mention other matters to put your Information Return into context then it is possible to do so in the 'Purpose of the Lobbying' field in your Information Return.

I work for a company and we need to discuss a commercially sensitive issue with a Minister. We don't want to record this in an Information Return. Can we avoid doing so?

No. There is no specific exemption to cover issues relating to commercially sensitive issues. You will need to think how you can address this in your Information Return in terms of the text you use to record the activity and the timing of submission of the Information Return, within the statutory limit.

My organisation wants to discuss a sensitive policy issue with MSPs from different political parties. However, if one party is able to see that we are discussing the same policy issue with another party that will not help our strategy.

All conversations, if regulated lobbying, have to be recorded on the Lobbying Register. There is no exemption for strategic or sensitive issues.

I am employed and paid by an organisation which helps individuals with advocacy representation because they are unable to do so by themselves (for reasons of disability, etc.). What happens if I meet with an MSP to represent their views?

The Act exempts communications made by an individual on their own behalf. As you are employed and paid there is at present no exemption of your role from regulated lobbying.

As a practicing solicitor I am going to represent my client at a meeting I have set-up with a Scottish Minister. They do not wish to be involved in the meeting and do not wish their names to be recorded on the Lobbying Register. As a solicitor, how does client confidentiality apply?

If you are lobbying on behalf of a third party, you must provide the name of the client(s) you are lobbying for (as part of your Information Return). This is a statutory requirement under the Act. If you are a solicitor who engages in this type of lobbying you should be clear to your client that this type of client privilege does not apply because of the direct requirements under this legislation. The Law Society intend to issue guidance to solicitors on this issue.



### More information

Further information relating to the topics covered above is contained in the following chapter of the Parliamentary Guidance:

- [Using the Lobbying Register](#)

## FURTHER INFORMATION



Lobbying Register Team, The Scottish Parliament, Edinburgh, EH99 1SP

Telephone: 0131 348 5408

Website: <https://www.lobbying.scot/>

Email: [lobbying@parliament.scot](mailto:lobbying@parliament.scot)