

The Scottish Lobbying Register

What you need to know

A new statutory Scottish lobbying register is due to be introduced from Q1 2018, with a trial period starting in Q4 2017. Organisations – especially those that liaise with politicians and government regularly in the course of their business – should set to work now, as a matter of urgency, to ensure they have the systems in place to comply with the new regime when it comes in to force.

Under the new rules, brought about under the Lobbying (Scotland) Act 2016, organisations such as businesses, charities, trade bodies and professional associations will have to record, on a publicly viewable register, details of any face-to-face meetings held with:

- MSPs;
- Scottish Government Ministers;
- Special Advisers; and
- The Scottish Government's Permanent Secretary.

The activities of many organisations, and individuals in their employ, who may have never before considered their work to encompass 'lobbying' will be captured by the register. It means that all face-to-face encounters – from Chief Executives down to the interactions of junior colleagues – will need to be recorded.

The Act makes no distinction between purposeful engagement and a spontaneous rendezvous, meaning that both a chance encounter at a bar and a formal meeting at the Scottish Parliament are registerable.

There are penalties for non-compliance, including criminal sanctions of up to three months in prison.



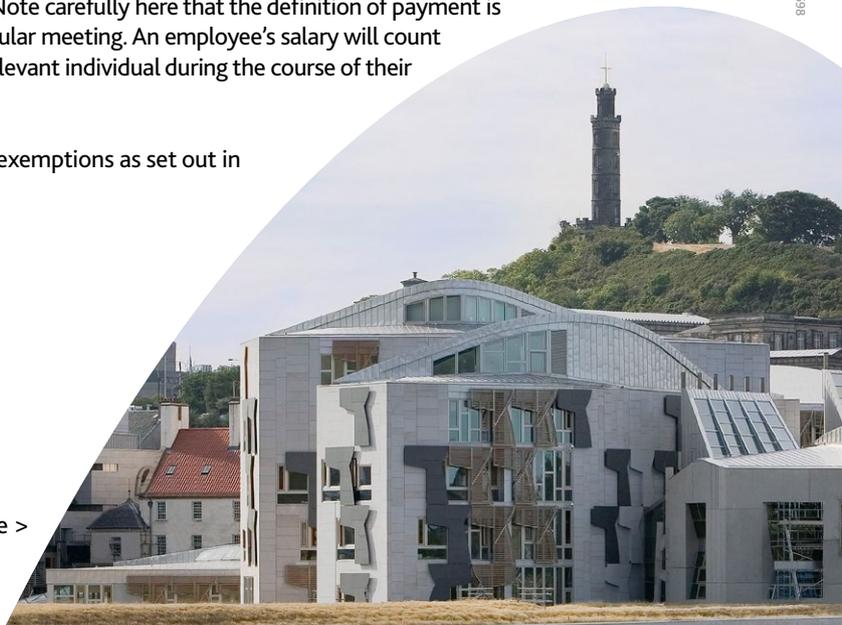
What counts as 'lobbying'?

As awareness grows, questions will abound over what actually constitutes 'lobbying'.

Five tests will apply:

1. A communication must take place with one of the aforementioned individuals and must be made orally – in person or via video conference (telephone calls, Email and written communications are not in the scope of the Act).
2. The communication must relate to Scottish Government or Scottish parliamentary functions.
3. The communication must be designed to inform or influence decision-making on behalf of your organisation or those you represent.
4. The communication must be undertaken in return for payment. Note carefully here that the definition of payment is broad – it doesn't just mean payment made in relation to a particular meeting. An employee's salary will count as payment, meaning that anyone who meets an MSP or other relevant individual during the course of their employment would also be captured by the legislation.
5. The communication must not be subject to one of a number of exemptions as set out in the Act.

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When will the register be in place?

The Scottish Lobbying Registrar has indicated the following timetable:

Familiarisation period

The online register will be launched for a trial period commencing in the autumn of 2017.

Go Live

The register will come fully into force by the end of March 2018.



How can Pinsent Masons help?

We can offer training on Scotland's new lobbying register, what it means in practice, and how to implement the necessary internal systems in your organisation to ensure compliance.

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For further information please contact:



Andrew Henderson

Director of Public Policy
Finance & Projects

T: +44 (0)131 225 0198

M: +44 (0)7551 178022

E: andrew.henderson@pinsentmasons.com



Julia Brown

Public Policy Manager
Finance & Projects

T: +44 (0)131 777 7024

M: +44 (0)7917 556188

E: julia.brown@pinsentmasons.com

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