

Lobbying (Transparency) Bill [HL]

CONTENTS

- 1 Registrar of Lobbyists
- 2 Definition of lobbyist
- 3 Exemptions
- 4 The register of lobbyists
- 5 Registration
- 6 Quarterly reports by registered lobbyists
- 7 Code of Conduct
- 8 Investigations by the Registrar
- 9 Offence of lobbying without being registered
- 10 Reports on the performance of the Registrar's functions
- 11 Repeals
- 12 Extent, commencement and short title

A
B I L L

TO

Establish a Registrar of lobbyists, a register of lobbyists and a Code of Conduct for lobbyists; and for related purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Registrar of Lobbyists

- (1) There is to be a Registrar of Lobbyists (“the Registrar”).
- (2) The Registrar is to be appointed by the Secretary of State.
- (3) The functions of the Registrar are to—
 - (a) establish and maintain a register of lobbyists (see sections 4 to 6); 5
 - (b) prepare and issue a code of conduct (see section 7);
 - (c) monitor compliance with the requirements to register and file returns, and with the code, including investigation of possible breaches (see section 8); and
 - (d) report to Parliament on the operation of this Act (see section 10). 10
- (4) The Registrar may appoint staff, on terms and conditions determined by the Registrar.
- (5) The Secretary of State may—
 - (a) provide financial support to the Registrar, including to provide for remuneration, allowances and pensions for the Registrar and the staff appointed by the Registrar; and 15
 - (b) provide premises, facilities or other assistance to the Registrar.

2 Definition of lobbyist

- (1) For the purposes of this Act, “lobbyist” means a person who, for payment, undertakes lobbying activity. 20
- (2) The definition of lobbyist in subsection (1) includes—

- (a) a “consultant lobbyist”, meaning a person who engages in lobbying activity on behalf of a third party client; and
- (b) an “in-house lobbyist”, meaning any employee, officer, director, partner, proprietor or shareholder (but not unpaid volunteer) of an organisation, who engages in lobbying activity on behalf of that organisation. 5
- (3) A person is engaged in “lobbying activity” if the person –
- (a) arranges or facilitates a formal or informal meeting with a public official;
- (b) communicates with a public official; 10
- (c) advises others in a professional capacity in respect of the activities set out in paragraphs (a) and (b);
- (d) works to support the activities set out in paragraphs (a) and (b); or
- (e) undertakes to do any of the activities set out in paragraphs (a) to (d); with a view to influencing any of the matters set out in subsection (4). 15
- (4) The matters are –
- (a) the holding of a debate or tabling of questions in either House of the United Kingdom Parliament, the introduction of any Bill, motion or resolution in either House of the United Kingdom Parliament or the passage, defeat or amendment of any Bill or resolution that is before either House of the United Kingdom Parliament; 20
- (b) the formulation, modification, or adoption of regulation, policy, or position of Her Majesty’s Government;
- (c) the awarding of any contract, grant or other financial benefit by or on behalf of Her Majesty’s Government. 25
- (5) “Public official” means –
- (a) Members of either House of the United Kingdom Parliament and their staff;
- (b) individuals employed by or working in or on behalf of – 30
- (i) Government departments;
- (ii) executive agencies, non-ministerial government departments and non-departmental public bodies;
- (iii) regulatory bodies.
- (6) “Organisation” includes any of the following – 35
- (a) a company incorporated under the Companies Act 2006, a partnership or a sole trader;
- (b) a business, trade, industry, enterprise or professional organisation;
- (c) a non-profit organisation, association, charity, or interest group;
- (d) a trade union or staff association;
- (e) a chamber of commerce or board of trade; 40
- (f) a foreign government, British Overseas Territory or Crown Dependency;
- (g) a coalition or group of organisations.
- (7) Subject to section 3(3), “communicate” means – 45
- (a) to contact by oral or written communication, including electronic communications such as email or text messaging;
- (b) the circulation of information material or position papers; or

- (c) the organisation of events or any promotional activity in support of a lobbying position.
- (8) “Payment” means any gift contract, promise, or agreement to pay money or sponsorship to the organisation or the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the organization, including the services of any person. 5

3 Exemptions

- (1) This Act does not apply to—
- (a) a constituent contacting or communicating with their Member of Parliament; 10
 - (b) a public official acting in an official capacity;
 - (c) elected members or officials working in international bodies of which the United Kingdom is a member;
 - (d) a person contracted to, or on secondment to, government or otherwise acting in an official capacity on behalf of a government organisation; 15
 - (e) diplomats, consular officials or official representatives of foreign governments when acting in their official capacity.
- (2) This Act does not apply in respect of—
- (a) any oral or written submission made to either House of the United Kingdom Parliament, or any of its committees, in proceedings that are a matter of public record; 20
 - (b) a public response to an invitation by government to submit information or evidence, or a public response to a government consultation exercise, or a formal response to a public invitation to tender;
 - (c) administrative requests made by lobbyists, where no attempt is made to influence. 25
- (3) For the purposes of this Act, “communicate” does not include—
- (a) any oral or written communication that is made widely and publicly available, such as a speech;
 - (b) communication directly related to negotiations on terms and conditions of employment of public service employees undertaken by trade union or staff association representatives on behalf of their members; 30
 - (c) communication by media workers in the course of their work.
- (4) Nothing in this Act shall be construed as requiring the disclosure of the name or identity of any individual where that disclosure could reasonably be expected to threaten the safety of that individual. 35

4 The register of lobbyists

- (1) The Registrar shall establish and maintain a register of lobbyists (“the register”). 40
- (2) Subject to subsection (3), a lobbyist must complete a registration, and file quarterly returns, containing the information set out in sections 5 and 6, in the form and manner required by the Registrar.

- (3) An in-house lobbyist whose total expenditure in connection with lobbying activity does not exceed or is not expected to exceed £5000 over a three month period is not required to register.
- (4) If the Registrar requests a lobbyist to clarify any information that has been provided under sections 5 or 6, the lobbyist shall provide the Registrar with the requested clarification, within 30 days of the request being made. 5
- (5) The register must contain the information provided by lobbyists under sections 5 and 6.
- (6) The register must be publicly available at all times, without charge, via a website. 10

5 Registration

- (1) A lobbyist must register with the Registrar –
- (a) in the case of a consultant lobbyist, within 14 days of agreeing to engage in lobbying activity on behalf of a third party client;
 - (b) in the case of an in-house lobbyist, within 30 days of the commencement of lobbying activity. 15
- (2) The registration must set out the following information, to the extent relevant to that registrant –
- (a) the name and business address of the registrant, and a general description of its business or activities; 20
 - (b) in the case of a consultant lobbyist, the name and business address of the registrant's client, and a general description of its business;
 - (c) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist;
 - (d) if any such employee has served as a public official in the ten years before the date on which the employee first acted as a lobbyist on behalf of the organisation or client, the position in which such employee served, and whether that employee is a United Kingdom Parliament pass-holder; 25
 - (e) the subject-matter of the lobbying activity; 30
 - (f) any relevant legislative proposal, Bill, resolution, regulation, policy, program, grant, contribution, financial benefit or contract which is or is planned to be the subject of lobbying activity;
 - (g) the name of any Government department or other governmental institution in which any public office holder is employed or serves at whom the lobbying activity is directed; 35
 - (h) any communication technique that the registrant uses or expects to use in connection with any lobbying activity.
- (3) A registrant who is no longer engaged in lobbying activity may notify the Registrar and the Registrar must then terminate the registration. 40
- (4) An organisation that has more than one employee engaged in lobbying activity shall file a single registration on behalf of and listing such employees.
- (5) In the case of an organisation or an individual engaged in lobbying activity on behalf of more than one third party client, the organisation or individual shall file a separate registration under this section for each such client. 45

6 Quarterly reports by registered lobbyists

- (1) For any quarterly period (1 January to 31 March; 1 April to 30 June; 1 July to 30 September; 1 October to 31 December) during which a lobbyist is registered under section 5, the registrant must file a report no later than 20 days after the end of that period. 5
- (2) Each quarterly report must reconfirm (if the same), or set out (if there are any changes), the information required under section 5, and in addition provide—
 - (a) in the case of an in-house lobbyist, an estimate of the total expenditure that the registrant incurred in connection with lobbying activity during the quarterly period; 10
 - (b) in the case of a consultant lobbyist, an estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the quarterly period, excluding income for matters unrelated to lobbying activities. 15
- (3) Estimates under subsection (2) above £10,000 shall be rounded to the nearest £10,000; and if an estimate is under £10,000 it must be reported as being less than £10,000.
- (4) For the purpose of subsection (2)(a), “expenditure” means monies spent, including salary costs, on lobbying activity. 20

7 Code of Conduct

- (1) The Registrar must, after consulting relevant stakeholders, prepare and publish a draft Code of Conduct.
- (2) The Registrar may, from time to time, after consulting relevant stakeholders, prepare and publish draft revisions to the Code of Conduct. 25
- (3) The Code of Conduct, and revisions to the code, come into force when the Secretary of State has laid a copy of the draft code, or the draft revisions, before each House of Parliament, and each House has by resolution approved the code or the revisions.
- (4) The code may contain provision requiring lobbyists to—
 - (a) act in a manner that demonstrates respect for democratic institutions, including the duty of public office holders to serve the public interest;
 - (b) conduct all interactions with office holders with integrity and honesty, and to take all reasonable measures to provide public office holders with information that is accurate and factual; 35
 - (c) be transparent about their lobbying activities; and
 - (d) not propose or undertake any action that would place a public office holder in a real or apparent conflict of interest.
- (5) Lobbyists registered under section 5 must comply with the Code of Conduct.

8 Investigations by the Registrar

- (1) The Registrar must conduct an investigation if the Registrar has reason to believe it necessary in order to determine whether a lobbyist has breached—
 - (a) the requirement to register and file quarterly returns; or
 - (b) the requirements of the Code of Conduct.

40

- (2) Before making a finding that a lobbyist has breached the requirement to register and file returns, or breached the Code, the Registrar must provide the lobbyist with a reasonable opportunity to present its views to the Registrar.
- (3) Where the Registrar finds that there has been a breach of the requirement to register or file returns, or a breach of the Code, the Registrar may suspend or remove permanently from the register any individual involved in the breach. 5
- (4) When an individual is suspended or removed from the register under this section the Registrar must, without delay, submit a report to the Speaker of each House of Parliament.
- (5) The Registrar may publish a report on any investigation conducted under this section. 10
- (6) The Secretary of State must lay before each House of Parliament any report published by the Registrar under subsection (1).
- 9 Offence of lobbying without being registered**
- (1) It is an offence for a person to engage in lobbying activity without being registered in accordance with the requirements of section 5 and filing quarterly returns in accordance with section 6. 15
- (2) It is an offence for a person to provide materially incomplete or inaccurate information in a registration under section 5 or a return under section 6.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale. 20
- 10 Reports on the performance of the Registrar's functions**
- (1) Each year, the Registrar must prepare and publish a report concerning the performance of the Registrar's functions for the preceding year.
- (2) The Registrar may, at any time, prepare and publish a special report concerning any matter under this Act if, in the opinion of the Registrar, the matter is of such urgency or importance that a report on it should not be deferred until the next annual report. 25
- (3) The Secretary of State must lay before each House of Parliament any report published by the Registrar under this section. 30
- 11 Repeals**
- Part 1 of, and Schedules 1 and 2 to, the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 are repealed.
- 12 Extent, commencement and short title**
- (1) This Act extends to the whole of the United Kingdom. 35
- (2) Sections 1 to 11 come into force on such day or days as the Secretary of State may by regulations, made by statutory instrument, appoint.
- (3) This section comes into force on the day on which this Act is passed.
- (4) This Act may be cited as the Lobbying (Transparency) Act 2016.

Lobbying (Transparency) Bill [HL]

A

B I L L

To establish a Registrar of lobbyists, a register of lobbyists and a Code of Conduct for lobbyists; and for related purposes.

Lord Brooke of Alverthorpe

Ordered to be Printed, 24th May 2016

© Parliamentary copyright House of Lords 2016

This publication may be reproduced under the terms of the Open Parliament Licence, which is published at www.parliament.uk/site-information/copyright

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS