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Public Audit and Post-legislative Scrutiny Committee Comataidh Sgrùdadh Poblach agus Iar-reachdail

Post-legislative scrutiny: The Lobbying (Scotland) Act 2016 (Draft report)



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Contents

Introduction	1
Section 50 Review	1
Committee Scrutiny	2
Report Structure	2
The Impact and Operation of the Act to date	4
Transparency and engagement	4
Administrative impact	7
Impact on lobbying activity	8
Compliance and identification of undue influence	9
The status quo or legislative reform	12
Types of communications	14
Clarification on video- conferencing	16
Extension to other groups, including senior civil servants	17
Publication of diaries and calendars	19
Expenditure/costs of lobbying	21
Exemptions to "regulated lobbying"	24
Exemption of communications made to a Member for constituency or region	25
Exemption of communications made on request	26
Exemption of communications by small organisations	27
Exemption of communications without payment	28
Making changes to the exemptions	29
Reporting timescales	30
Non-legislative improvements	32
Public accessibility to the register and search function	32
Bulk Uploads	32
Pre-populated entry fields and repetitive information	33
Switching accounts	34
Mobile app	34
Lobbying Register guidance	35
Requests for clarification and a tone and language guide	35
Allowing returns for lobbying activity which organisations feel should be captured	37
	Bibliography 38

Public Audit and Post-legislative Scrutiny Committee

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INTRODUCTION

1. The Lobbying (Scotland) Act 2016 (“the Lobbying Act”) received Royal Assent on 14 April 2016 and commenced on 12 March 2018. The Act makes provision for a public Lobbying Register in which organisations are required to record any instances of “regulated lobbying”. In particular, the Act:
 - defines what is meant by “regulated lobbying”;
 - makes provision for the establishment, maintenance and content of the Lobbying Register;
 - makes provision for oversight and enforcement of the provisions in the Act;
 - makes provision for Parliamentary guidance and a code of conduct.
2. The stated aims of the Act include increasing understanding about lobbying activity taking place in Scotland and improved public accountability and scrutiny. The Lobbying Act is one of a series of mechanisms designed to improve the transparency and openness of Government decision making, policy development and the spending of public funds, as well as parliamentary scrutiny of those activities. The operation and impact of the Lobbying Act therefore needs to be viewed within this broader framework which includes the Freedom of Information (Scotland) Act 2002; the Scottish Ministerial Code; the Civil Service Code; the Public Records (Scotland) Act 2011; the Interests of Members of the Scottish Parliament Act 2006; the Code of Conduct for Members of the Scottish Parliament and parliamentary questions.

SECTION 50 REVIEW

3. [Section 50](#) of the Lobbying Act makes provision for a committee of the Parliament to review the operation of the Act during the two-year period after the provision on the duty to register came into force. In carrying out the review, the Lobbying Act provides that the committee must:
 - take evidence from such persons as it considers appropriate;
 - draft a report;
 - consult on the draft report and any recommendations it makes; and
 - prior to publishing its final report, have regard to any representations made to the committee on the draft report, and its recommendations.
4. Section 50(4) of the Act highlights two specific areas where recommendations for change may be made. It provides that a final report may, in particular, make a recommendation to extend the circumstances in which regulated lobbying is deemed to have taken place. This can be done by changing:
 - the list of people who are considered to be lobbied in a regulated way;

- the way in which a communication considered to be regulated lobbying is made.
5. The Act provides that the Committee may also recommend whether there should be changes to the circumstances in which a person undertaking regulated lobbying is required to provide information, to be included on the Lobbying Register, about costs incurred by the person when engaging in regulated lobbying.

COMMITTEE SCRUTINY

6. The Committee launched a call for evidence on 17 June 2020 in response to which 41 written submissions were received. The written submissions received can be accessed on the [Committee's website](#). The Committee recognises that the Covid-19 pandemic may have significantly impacted on the number of organisations that responded to its call for evidence, noting in particular that there around 1,200 active registrants currently on the Lobbying Register.
7. At its meeting on 5 November, the Committee took evidence from a range of witnesses in business, transparency, third and public affairs sectors. The Committee heard evidence from Scottish Alliance for Lobbying Transparency (SALT); Scottish Council for Voluntary Organisations (SCVO); Association for Scottish Public Affairs (ASPA); Confederation of British Industry (CBI Scotland); Royal National Institute of Blind People (RNIB Scotland); Scottish Environment Link (LINK); Alcohol Focus Scotland; MND Scotland; and Law Society of Scotland.
8. At its meeting on 26 November, the Committee took evidence from the Lobbying Registrar and then from the Minister for Parliamentary Business and Veterans. The official reports of these evidence sessions can be accessed on the [Committee's website](#). The Committee wishes to place on record its thanks to all those organisations and individuals who helped inform its post-legislative scrutiny of the Lobbying Act.

CONSULTATION ON DRAFT REPORT

9. As noted above, section 50 of the Act requires the Committee to publish its draft report; consult with such persons as it considers appropriate on the draft report and any recommendations that it proposes to include in its final report and have regard to any representations made to it in finalising its report.
10. This draft report summarises the evidence considered by the Committee and sets out its draft conclusions and recommendations.

REPORT STRUCTURE

11. This draft report is structured as follows:

- The operation and impact of the Act to date;
- The status quo or legislative reform;
- Whether non-legislative changes are required to improve the operation of the Act.

The impact and operation of the Act to date

12. During its evidence sessions, the Committee explored the impact and operation of the Act to date.
13. The Committee heard evidence about whether the Act had met its policy aims and also about the practical operation of the Act.

Transparency and engagement

14. The Policy Memorandum accompanying the original Bill indicated that the “broad overall policy aim” of the Bill was “to increase transparency of direct face to face paid lobbying (communication) with MSPs and Ministers.” This increase in transparency was intended to “facilitate improved awareness and understanding of lobbying activity, improved public scrutiny of the work of the Parliament and Government, improved public accountability and trust in that work and improved outcomes”¹ and “serve to further strengthen the integrity and reputation of both the Scottish Parliament and the Scottish Government and demonstrate the positive democratic climate that exists in Scotland”.²
15. For the most part, respondents to the call for evidence accepted a legislative approach to regulating lobbying activity and recognised the Bill’s objectives of improving transparency about such activity. [SALT’s](#) submission referenced the Scottish Parliament’s founding principles of openness, accountability and accessibility, arguing that an “effective and robust lobbying register” was a “key tool” for ensuring that these principles “are respected and that Scottish politics works for the public interest rather than those with the deepest pockets, as it ensures that the information needed to hold public officials to account is made publicly available.”³
16. This view was not universally shared. [Inclusion Scotland](#), for example, stated that, while it supported the underlying aim that there should be transparency about organisations that are involved in significant lobbying activity with MSPs and Scottish Ministers, it remained of the view that “the Lobbying Act was legislation designed to solve a problem that did not exist.”⁴ Similarly, the [Public Relations and Communications Association](#) stated that “we are sceptical of the claims that the Register has significantly increased transparency in Holyrood, given there was already a high standard for ethical transparency.”⁵
17. Even among respondents who acknowledged that the Act had achieved its objective of improving transparency about certain lobbying activity in Scotland, there were differing views on the extent to which it had achieved its broader objectives of improving public scrutiny of the work of the Parliament and Government and accountability and trust in the work of both institutions.

18. The [Royal College of Physicians Edinburgh](#) commented that the “efficacy of the Act really depended on how well the Lobbying Register is used, and whether it provides any material benefits to the general public.”⁶ It suggested that if this could not be proven, then questions “must be asked about whether the Act is fulfilling its purpose as a means to address a perceived lack of transparency.”⁷ Similarly, [ASPA](#) questioned the purpose of the data that the Register collected if it was not being used to increase public awareness. It suggested that the review should consider “what purpose has been served by the collection of this data”.⁸ It noted that the data had been “valuable to informed observers”, but that there had been “a notable absence of interest from the general public, and only occasional interest from the media on the public’s behalf”.⁹
19. Some respondents and witnesses suggested that the Act had not achieved its broader objectives because of limitations in its legislative scope. [Friends of the Earth Scotland](#) commented that the Act had “introduced some degree of new insight into lobbying in Scotland, but its ability to create full transparency is limited”.¹⁰ It suggested that, in practice, “the Act only fulfils its original intentions in the most basic sense, and its overall impact is limited by narrow definitions and wide ranging exemptions within the legislation.”¹¹ The [Royal College of Physicians Edinburgh](#) pointed out that there are “multiple ways to engage with politicians and civil servants which can bypass the need to register an interaction if so desired”.¹² [For Women Scotland](#) stated that not enough data is currently being collected for the public to understand the full picture of lobbying activity. It commented that the Register did provide “valuable information” with regards “to who, when and what face-to-face lobbying activity has taken place”, but considered that it was “limited in scope, with only a partial picture provided.”¹³
20. [SCVO](#) described the Act as “a rabbit warren of loopholes”, pointing out that, “if I were to speak to a member about all the great things that SCVO does, but did not ask anything of that MSP or minister, that would not count as regulated lobbying. If I were to email them the next day and say, “Further to our conversation, would you mind doing X, Y and Z,” that would also not be counted as regulated lobbying.”¹⁴
21. [Alcohol Focus Scotland](#) considered that “full public disclosure of all lobbying activity” was required “to demonstrate the integrity and probity of policy and political decision-making processes”¹⁵ and pointed to the example of the Register in Ireland whereby it was possible to look at the different types of activity that relate to a specific campaign or issue that is being raised. It suggested that that gave “a fuller sense of how organisations are engaging with decision makers” and would be “more illuminating” rather than there “simply being a register of individual activities and engagement.”¹⁶

22. As well as the limited scope of the Act, there were also suggestions that the usability of the lobbying database could be hampering the aim to increase public awareness and scrutiny of lobbying activity. SALT argued that “until there is enough meaningful and complete data and it is searchable, can be questioned and can be grouped”, the Register “will not have the impact on transparency that it could have”.¹⁷ [Friends of the Earth Scotland](#) suggested practical improvements to the Register which could increase transparency and ease of access to information by, for example, having a search function on the Register to allow interested parties the option to search using keywords.
23. During the oral evidence sessions with the Lobbying Registrar and then the Minister, the Committee sought to explore their views on the impact of the Act and whether and the extent to which that impact had been analysed and measured. The Committee emphasised the lack of media coverage in relation to improper lobbying activity in Scotland. It was suggested that this could mean that the Act is not impacting on transparency as issues of non-compliance are not being uncovered. When considering the Act’s impact on identifying improper lobbying activity, the [Lobbying Registrar](#) highlighted the high levels of compliance as an explanation as to why the media impact has not been seen. The [Lobbying Registrar](#) told the Committee that:
- “There has not been much of an impact, and our annual report bears that out. There have not been an awful lot of massive compliance issues with the 2016 act...People are generally compliant. They are putting in their returns, and we are starting to see what those returns mean.”¹⁸
24. The [Lobbying Registrar](#) went on to say that while analysis of lobbying returns is undertaken by the Lobbying Team in the form of an annual report, he was not aware “of any deep analysis of the data that we have so far.”¹⁹ In terms of public engagement with the register, the Lobbying Register team indicated that, while it was possible to obtain high-level figures for the number of hits the webpage receives such figures would need to be treated with caution given that staff in the Lobbying Team would account for a proportion of the hits as they visit the Register “day in, day out”.²⁰ The [Lobbying Registrar](#) advised that only a “handful” of media enquiries had been received in the past couple of years.
25. [Dougie Wands](#), Policy Advisor from the Scottish Government, confirmed that the Government had not engaged “in any formal analysis of the impact of the 2016 act over the past two years.” He pointed to the fact that the Act gives the powers to Parliament to undertake this review and therefore the Government had looked to “the parliamentary authorities to do such work.”²¹

26. In follow-up correspondence, the Lobbying Register team advised that it had obtained top-level figures that indicated that just over 70,000 users had accessed the site resulting in almost 120,000 sessions and 700,000 page views. However, it is understood that the same person could count as more than one user if they accessed the site from multiple devices and the figures do not identify the type of user. As such, while the figures provide an indication of traffic to the site, it is difficult to draw any informed conclusions.

Administrative impact

27. As well as a mixed view in evidence as to whether the Act was achieving its policy aims, the Committee also heard varying views on the practical impact that the Act was having on organisations required to submit returns.

28. The Act requires organisations and individuals (including consultant lobbying firms, self-employed consultant lobbyists paid by others to lobby on their behalf and commercial or other organisations and individual employers with paid individuals who lobby in-house) to register and submit regular information returns of regulated lobbying activity following lobbying of MSPs and Ministers. Lobbyists are required to register within 30 days after a first instance of regulated lobbying and thereafter submit periodic information returns every six months from the point of the first instance. The [Financial Memorandum](#) accompanying the Bill estimated staff time between 0 and 24 hours in each six-monthly return period.

29. [SALT](#), an organisation arguing for further transparency as a principle, considered that the current requirements were “very light-touch” noting that “with the right technical systems in place to facilitate efficient filings, [it] should not impose a disproportionate burden on those who have to report.”²²

30. This was supported by evidence from a number of organisations who found the administrative burden to amount to 1-5 hours per six-month return. [RNIB Scotland](#) indicated in oral evidence that it took four to five hours of member of a staff’s time to report, while SALT stated that they took around an hour of staff time to provide a six-monthly return. The [SCVO](#) found through a survey of its members that organisations were spending about three hours a month uploading submissions to the Register, which it considered was “not bad” and “not overly burdensome in the way that we perhaps feared that it would be”²³

31. However, some organisations reported the burden on them exceeded this figure and the estimate in the Financial Memorandum. [Poppy Scotland](#) evidence suggested that that staff time required to submit returns in each reporting period was approximately 40 hours. [NFU Scotland](#) reported that, on average, three working days were required in each six-month reporting period to adequately input and check all returns, noting “additional desk-hours

required to respond to questions from the Lobbying Registrars and make clarifications and corrections.”²⁴

32. Some third sector organisations suggested that the impact of the legislation on them was disproportionate and indeed ran counter to the original intentions of the Act. [MND Scotland](#), for example, suggested there is a perception that larger organisations know “how to work the system”²⁵ and argued for a wholesale exemption for charities.

33. In his oral evidence, the [Minister](#) stated that:

“I think that the burden is a price worth paying for transparency. If we were to add to that burden, there would perhaps be a debate to be had. However, as things stand, from my point of view, it looks like the right fit.”²⁶

Impact on lobbying activity

34. [RNIB Scotland](#) noted in its response that, while there had been concern among some staff that they might be less comfortable talking to elected representatives, this had not been an issue in practice. [SCVO](#) suggested that this was similar to the experience of a majority of voluntary organisations, although some had found the Act to have had a negative impact on their engagement. SCVO told the Committee that, while 90% of [SCVO](#) member organisations surveyed said that the Act had not had a negative impact on the way they lobby, the remaining 10% of organisations was still “a sizeable number”²⁷, given that there are 40,000 voluntary organisations in Scotland.

35. Evidence from [Poppy Scotland](#) stated that for them the administrative burden had at times created barriers to engagement and was “a consideration on the value of attending an event in the Scottish Parliament organised by a third party.”²⁸

36. Event participation, such as attending parliamentary receptions, was identified in evidence as being particularly problematic because large events involved multiple interactions each of which could be regulated lobbying and require a Lobbying Register return to be made. The [Food and Drink Federation Scotland](#) referred to an annual MSP sponsored reception that it holds at the Scottish Parliament, with over 120 participants. It stated that “We do the best job we can in accurately reporting this information but cannot guarantee we capture all the relevant contacts” noting that it can also be difficult for those attending “to recall all MSPs they spoke to and whether that conversation would constitute lobbying.”²⁹

37. In his evidence to the Committee, the [Lobbying Registrar](#) confirmed that there was now a bulk upload mechanism for events.

Compliance and identification of undue influence

38. The Committee was keen to explore in its evidence sessions the extent to which the Act could unearth poor practice and instances of undue influence and how non-compliance with its provisions could be uncovered.

39. The Act makes provision for a three-tier system for oversight/penalties:

- Tier 1 - the Clerk of the Scottish Parliament has a duty to monitor compliance with the Act. In practice, responsibility has been delegated to the Lobbying Register team within the Parliament on a day-to-day basis.
- Tier 2 - the Commissioner for Ethical Standards for Public Life in Scotland has powers to investigate possible breaches of the Act and the Parliament has power to censure lobbyists;
- Tier 3 – the Act makes provision for criminal offences and penalties.

40. The original Bill envisaged that the Registrar's duty to monitor compliance would mainly consist of checking and processing information received, and addressing any relevant issues raised by potential registrants or from the public. The Registrar also has the flexibility to pursue corrections, missing information, or unintended oversights on a relatively informal basis. As a last resort, the Registrar can issue information notices to require provision of information where, for example, the Registrar considers that information in the Register is inaccurate or incomplete.

41. Both the Lobbying Register Annual Reports of 2019 and 2020 indicate good compliance with the Act. The [2020 annual report](#) states that:

“When a registrant has failed to provide any return by that final day, the Lobbying Team will email the registrant asking for appropriate action to be taken. If no reply is received, this is followed up by a recorded delivery letter (also emailed) from the team to a senior individual in the organisation. This approach has continued this year in leading again to, ultimately, full compliance.”³⁰

42. During oral evidence to the Committee, the [Assistant Lobbying Registrar](#) advised, however, that they do not make judgements on the information received in returns:

“We are there to administer the register and to look at the content of an information return, with a view to ensuring that it is published for the public to read and so that they can see what has been going on.”³¹

43. The [Lobbying Registrar](#) indicated that the Lobbying Team do take a proactive approach to ensuring compliance, stating that:

“We see ourselves as part of the broader aim of increasing transparency by the work that we do. We are proactive; if we see newspaper articles or social media that suggest that somebody might not be aware of the requirements, we email organisations. We have not had direct evidence of evasion from anybody but, if we did, we would take it up with the organisation concerned.”³²

“If we had a whistleblower-type of situation, which we have not had, we would first look at the reasons why that information might not have been recorded. If we had good reason to approach an organisation, we would ask whether it was aware of the requirements, because we want to make sure that it complies with the act. We try to be as proactive as we can within the resources that we have.”³³

44. Organisations were, in general, sceptical about the extent to which the current regime could unearth instances of non-compliance. [Shelter Scotland](#) emphasised that the responsibility to record activity falls to the organisations carrying out lobbying as opposed to those being lobbied. It noted that it was “difficult to see how an instance of lobbying which has not been registered as required – either intentionally or unintentionally – can be identified.”³⁴ [Shelter Scotland](#) suggested that this makes it “hard to assess the Act’s impact on transparency if we are relying on all parties to act in good faith. It is unfortunately the case that not everyone will do what is required”.³⁵

45. Similarly, [SCVO](#) noted that:

“Fundamentally the Act is built on trust. The onus to register instances of lobbying falls solely on organisation (sic) registering their activity. Even when making every effort to comply, the reality is that some instances will be overlooked and not lodged.”³⁶

46. The [Lobbying Registrar](#) was in agreement with other witnesses in this regard, confirming that if someone decides not to submit a lobbying return or incorrectly applies an exemption, it is not possible for the Lobbying Team to identify these areas of non-compliance.
47. [Support in Mind](#) cited an example in their written evidence which, they suggested, raised questions about the enforceability of the Act:

“In our experience an MSP could not recall a discussion at a Parliamentary Reception and refuted our entry. The Lobbying Register came back to us and stated so, therefore that entry was not lodged. If an MSP can refute a face to face discussion, I believe innocently forgetting the discussion, and

the Register does not lodge our entry, then there is question over whether the Act is enforceable”.³⁷

48. If an organisation on the Lobbying Register has carried out no regulated lobbying in a six-month period then it must submit a nil return to that effect. [CBI Scotland](#) and [FSB](#) argued for the abolition of the need for a nil return to be made. [CBI Scotland](#) stated that:

“If an organisation has not carried out any regulated lobbying in a six-month period, there should be no need to submit an information return to the register. As no lobbying has been carried out, this appears to be an unnecessary burden that does not bring any obvious benefit.”³⁸

49. However, given the lack of other methods to identify non-compliance this need to make a nil return could be seen as a positive check on compliance as an organisation is actively stating that it has not carried out lobbying activity.

Draft Committee conclusions/recommendations

50. **Some respondents suggested that the Act’s limited success in achieving its broader transparency objectives was due to the scope of the current legislation in that it provided only a “partial view” of lobbying activity in Scotland; others considered that “the Lobbying Act was legislation designed to solve a problem that did not exist” given their view that “transparency in Holyrood” had always been high. A third group pointed to deficiencies in the accessibility of the information held on the Register which, they considered, deterred broader interest in its content from the media and members of the public.**
51. **The Committee notes that there are differing views on the impact of the Act in terms of the administrative requirements to record lobbying activity. While some organisations suggested that the responsibilities were more onerous than originally anticipated, others suggested that initial concerns about the potential barrier to lobbying activity had not been realised. There was general agreement about the need to improve mechanisms for recording information in the Lobbying Register.**
52. **The Committee welcomes the high compliance with the requirements in Act to complete lobbying returns. However, the Committee notes that the Act is fundamentally built on trust in that the onus to register instances of regulated lobbying falls solely on organisations registering their activity. It notes that the Lobbying Register Team is not in a position to identify missing entries, nor whether the information provided by an organisation in its entry is correct. This highlights the limitations with the current framework and the extent to which it can unearth instances of**

poor practice and undue influence

53. The Committee recognises that the Act has introduced greater transparency of certain lobbying activity in Scotland in that incidences of face-to-face communications must now be recorded in a public register. However, the Committee remains unclear about its broader impact and the extent to which the Act has enhanced transparency in Government decision making and the things that influence and shape those decisions or Parliament's engagement in those processes. Nor has the Committee been able to conclude whether an apparent lack of interest in the contents of the Lobbying Register from members of the public and the media is due to the limited scope of the information that it contains; that the Act was trying to solve a problem that didn't exist or whether, on a practical level, the data held on the Register is simply insufficiently accessible.
54. The Committee's evidence taking has indicated a diversity of opinion on the impact of the Act, particularly its administrative impact. It has also highlighted significant gaps in the knowledge base, notably about public interest in the Lobbying Register and whether and the extent to which the Act has achieved its broader objectives of improving public scrutiny of the work of the Parliament and Government and accountability and trust in the work of both institutions. Therefore, as a first step, the Committee considers that the Scottish Government should commission a full impact assessment of the Act and provide this to the Scottish Parliament. The Committee expects that such an exercise would involve a full and comprehensive analysis of the impact of the Act on registered organisations, including identifying any variations in the way in which organisations are undertaking their reporting duties (and the reasons for this). The Committee would also expect that the assessment would examine in detail, through the collection and analysis of appropriate data, whether the Act had delivered its broader transparency and public accountability objectives as set in the Policy Memorandum and, where these had not been achieved, identify the specific reasons for this
55. The Committee considers that such an assessment should inform any further extension of the scope of the Lobbying Act. Therefore, while the Committee expresses views below on the current scope of the legislation and identifies areas for potential change, it recognises that any changes which involve an extension to the scope of the Act will need to be viewed in the light of the conclusions reached as a result of the impact assessment.

The status quo or legislative reform

56. Respondents and witnesses to the Committee's inquiry varied in their views on the need for further legislative change, particularly, in relation to any suggestion of an extension to the Act. A number of respondents including [MND Scotland](#), [ScotlandIS](#) and [CBI Scotland](#) emphasised the need for balance between transparency and the administrative burden in considering whether further improvements were required to the Act. [CBI Scotland's](#) written submission stated:

“Transparency is an important aspect of lobbying and policy development. At the time of the Lobbying Bill's introduction, CBI Scotland stressed that any regulation must strike the right balance between transparency and facilitating the ability of organisations and individuals to put forward evidence and views to the Scottish Government and Parliament without encountering unnecessary and costly administrative burdens. That remains our view.”³⁹

57. Similarly, the [Law Society of Scotland](#) cautioned that “any regulatory framework which is overly onerous may act as a ‘barrier to entry’ for lobbyists and could stifle legitimate engagement activities.”⁴⁰

58. Nonetheless, organisations identified anomalies in the Act that could only be rectified by legislation. Two areas highlighted by section 50 of the Act and which are considered below are whether:

- the communications which constitute regulated lobbying are the right ones (face-to-face communications, including British Sign Language and digital technologies which enable videoconferencing).
- the people who are deemed to be subject to regulated lobbying are correct (MSPs, Members of the Scottish Government including law officers and junior Ministers; special advisers and the Permanent Secretary).

Types of communications

59. Among the respondents to the Committee's call for evidence there was equal support for and against expanding the Act to cover further communications such as emails and telephone calls.⁴¹
60. Those in favour of expanding the types of communications covered suggested that not including all forms of communication left loopholes for individuals to avoid registering lobbying activity. For example, [Shelter Scotland](#) highlighted the gaps in public knowledge as a result of only face-to-face communications being covered by the Act, noting that "this is despite phone calls, and emails, being as, or potentially more, effective ways of influencing policy. This puts limits on transparency, as we cannot assess the influence on policy in full without knowledge of all the ways in which lobbying has occurred."⁴²
61. SALT indicated that they did not think that more phone calls and emails were happening as a result of the Act, but that "a body of communication and influencing is going on that is not on the register and is not seen."⁴³ [Alcohol Focus Scotland](#) supported expansion on the basis that "the current limited scope of the lobbying register means that the bulk of lobbying activity in Scotland is excluded from registration."⁴⁴ Similarly, [Neil Findlay MSP](#) questioned why "a letter from a CEO urging the Govt to award a contract or pay money to support a sector during lockdown would not be considered lobbying?"⁴⁵ [LINK](#) commented that there had been times when, because of the internet connection, they had had to call people, but that "the public are no less deserving of knowing about those phone calls than they are about a face-to-face meeting."⁴⁶
62. [SALT](#) emphasised that there was a need to bring the provisions of the Act in line with the rest of the United Kingdom, pointing out that in most states that have lobbying registers, phone calls and emails are captured on the Register. [SCVO](#) stated that 68% of respondents to their member survey on the lobbying legislation believed that the definition of regulated lobbying should be expanded to include other forms of communication.
63. Some third sector respondents, such as [Inclusion Scotland](#) and [Paths for All](#) recognised the logic in expanding the Act to cover other forms of communication, but did not support it due to concerns over the potential administrative burden. [RNIB Scotland](#) also held this view writing that:

"The Act has gone some way to improving transparency. As only face-to-face conversations, either in person or over video call, are required to be registered, it is limited. However, we would emphasise that we believe requiring organisations to register alternative forms of lobbying would place too great an administrative burden on already busy organisations."⁴⁷

64. [ASPA](#) was very clear that any extension beyond face to face meetings and video-conferences would be “disproportionate, unsupported by evidence of a problem, and could cause a significant increase in administrative burden.”⁴⁸
65. The [Law Society of Scotland](#), while supportive of phone communications being covered, suggested that clarity would be required to ensure that not every phone call would have to be recorded. In particular, it queried whether every telephone communication on a particular matter need to be recorded or just the initial communication where the lobbying activity initially arose. The [Law Society](#) pointed that, if it was to be all of the subsequent telephone conversations, then “that could be quite onerous on lobbyists and the lobbying registrar’s department.”⁴⁹
66. [RNIB Scotland](#) also raised practical questions about recording telephone communications:
- “How many times might I phone to get the ear of an MSP or a civil servant who is drafting an amendment, or to speak to somebody whose position we are trying to shift? Would I be required to write all that down in a log, get it processed and get it all to somebody in my public affairs team, who would then have to have a dialogue with the clerks involving ping-pong back and forth?”⁵⁰
67. Witnesses also discussed whether and the extent to which the Act should be extended to written communications, such as emails. The [Law Society of Scotland](#) pointed out that “both the UK Parliament and the Republic of Ireland lobbying regulations cover written communications, including emails. Therefore, if the committee is that way inclined, it could look at what is happening in those jurisdictions.”⁵¹
68. [Homes for Scotland](#) advised caution in expanding the Act to cover certain additional forms of communication as this could cause “greater uncertainty since it is not always possible to gauge whether an online communication or email has actually reached its intended recipient or been read by that person, so recording these may indeed cause more difficulty than anything else.”⁵² [CBI Scotland](#) told the Committee that “I know that many emails do not get read, not even by the MSP’s staff, let alone the MSP. It is difficult to quantify what, if any, impact an email has.”⁵³
69. [Community Pharmacy Scotland](#) raised similar concerns in written evidence, pointing out that the conversations that are currently regulated are a definite two-way interaction and that “both parties are much more likely to be able to expand on the lobbying undertaken if asked”. It suggested that the “same could not be said of written communications”.⁵⁴ The [Law Society of Scotland](#) also

suggested that, in considering the Act's expansion, the Committee may wish to focus on the definition of "lobbying" and whether such activity was a one-way communication or a two-way interaction and conversation, "which is what you get with face-to-face meetings and telephone calls."⁵⁵

70. Finally, the [Scottish Information Commissioner](#) highlighted a potential overlap with provision in the Freedom of Information (Scotland) Act 2002 if the Act were to be extended to written communications, noting that such communications, if held in a recorded form by or on behalf of a public authority, will already be covered by FOISA. It is noted, however, that individual MSPs are not covered by FOISA.

Clarification on video-conferencing

71. A number of organisations, while not supporting extension of the Act, highlighted that clarification was required on what is meant by "face-to-face communications" as currently drafted in the Act, particularly in light of developments during the Covid-19 pandemic. [CBI Scotland](#) stated in oral evidence that:

"For example, it is a bit unclear what happens if some people have their video on and some people have their video off, or if someone has their video on for part of the meeting and then turns it off. Putting in place some clarity around videoconferencing would be one practical way of addressing some of the challenges that we face as a result of the way that things have changed due to coronavirus."⁵⁶

72. The [Food and Drink Federation](#) and [ASPA](#) also called for clarity when video conferencing is used without the video function enabled.

73. The [Lobbying Registrar](#) agreed with organisations that more clarity is required for the use of video conferences. The [Lobbying Registrar](#) advised that:

"For it to be considered as regulated lobbying communication, people have to be seen and heard so, if someone makes a conscious decision to use the facility just for audio purposes, I do not think that we would be able to capture it under the existing language."⁵⁷

74. The [Assistant Lobbying Registrar](#) added that:

"Section 1 of the act, in defining regulated lobbying communications, talks about the use of video communications and uses the phrase "is intended to enable". A clarification might be required in that text to address videoconferences, because technical difficulties might prevent the user from being able to have a camera switched on."⁵⁸

75. The [Lobbying Registrar](#) agreed that “It is an issue that needs to be looked at.” He added that “I am sure the people who wrote that would be able to clarify the issue, and we would value that clarity. That is how we read the bill, but we have a perspective that nobody could have envisaged three or four years ago.”⁵⁹

Extension to other groups, including senior civil servants

76. 46% of respondents (19/41) who responded to the Committee’s call for evidence were against expanding the Act to cover other groups (for example, senior civil servants and party-political staff). Six respondents (15%) suggested that the Act should be expanded to cover these groups. The rest did not respond or did not give a clear indication either way.⁶⁰

77. [ASPA](#) considered that the Act “covers the right people, and does focus reporting on those who have the greatest impact on Government and Parliamentary decision making”.⁶¹ [ASPA](#) indicated that extending the Act beyond these groups would “add significantly to cost and administrative burden without significant utility in improving meaningful transparency”.⁶² [Scottish Land and Estates](#) (SL&E) were against expanding the Act to cover senior civil servants, pointing out that “in our normal day to day business we engage with a range of individuals across the Scottish Government, civil service, local authorities, political parties, and throughout the Scottish Parliament”.⁶³ [SL&E](#) pointed out that if they were required “to track and record” each of these individual engagements, “most of which will not be critical in the decision making process, then it would result in a huge amount of administrative resources and would not be feasible.”⁶⁴ [SL&E](#) warned that this “additional burden might make it unfeasible to carry out the same level of engagement, and it might result in there being a reduction in vital parliamentary engagement.”⁶⁵ The [Public Relations and Communications Association](#) also highlighted the potential administrative burden and questioned the impact an expansion could have on transparency.

78. A number of organisations, including [CBI Scotland](#), considered that extending the scope of the Act to civil servants risked politicising the civil service. The [National Farmers Union Scotland](#) made a similar point indicating that it had a close working relationship with civil servants “based solely on factual exchanges of information as opposed to traditional ‘lobbying’”.⁶⁶

79. [The Association of the British Pharmaceutical Industry](#) (ABPI) highlighted practical difficulties with extending the Act to civil servants due to a lack of awareness of the civil service grading structure indicating that this would be a barrier to organisations accurately recording lobbying activity with civil servants. The [ABPI](#) commented that: “Any move to include junior civil servants with the rules would not be in the spirit of the legislation and may reduce

engagement with government as awareness of the civil service structure is very low.”⁶⁷

80. On the other hand, [SALT](#) considered that the Act should be extended to include “at least directors general, those who run directorates and senior civil servants in categories SCS 1 and SCS 2”, pointing out that at the moment “a key route for influencing policy is not being captured by the register.”⁶⁸ [LINK](#) indicated that “some of our most productive and particularly detailed conversations about the creation of legislation and the implementations happen with civil servants, and often a civil servant will be a specialist in an area.”⁶⁹
81. The [Law Society of Scotland](#) stated that “it is possible to influence policy development and legislative reform at a much lower level, through senior civil servants. They have influence over Scottish ministers and potentially over MSPs, and the Act fails to recognise that.”⁷⁰ Alison Douglas from [Alcohol Focus Scotland](#) indicated that, as an ex-civil servant, she knew that “those who are at a lower level in the hierarchy can still have a significant impact” and that they received “quite a lot of lobbying from organisations and have a significant role in providing policy advice to ministers.”⁷¹
82. During oral evidence to the Committee, the [Minister](#) gave a reserved view on whether improvements could be made to the Act:

“The simple answer is that I suspect strongly that small changes could reasonably be made to improve the working of the act. It is not for the Government to push an agenda on that. We are here to give evidence to the committee on the same basis as others have done, and you will come to a view.”⁷²

“Other witnesses may have made suggestions that we have concerns about, but I will not provide a list of dos and don’ts, because it is for the Parliament to come to a view, as the Parliament owns the act.”⁷³

83. The [Minister](#) did, however, provide views on expansion of the Act to cover senior civil servants. He stated that:

“There is a great risk that, in extending the legislation to senior civil servants, we encroach on an important aspect of the work of the Government: policy development. The suggestion that we extend the provisions to include all senior civil servants runs the risk of stakeholders feeling inhibited about participating in the development of policy.”⁷⁴

84. The [Minister](#) went on to add that:

“It is important to recognise that, although civil servants have a clear link to ministers, they occupy a different space from politicians. The day-to-day

operation of Government involves interaction between civil servants and organisations. If we were to move into that space, it would be incredibly burdensome from an administrative point of view. I would have real concerns about that on both fronts.”⁷⁵

85. Similarly, the [Minister](#) also gave a view on expansion of the Act to additional forms of communication. He stated that:

“I think that we have got it right where face-to-face interaction is involved, whether that is physical face-to-face interaction or, as is more likely these days, videoconferencing.”⁷⁶

Publication of diaries and calendars

86. Some third sector organisations such as [Shelter Scotland](#) and [Inclusion Scotland](#) suggested that the burden should be on regulated individuals (MSPs, Cabinet Secretaries and Junior Ministers, Permanent Secretary and SPADs) to record and register lobbying activity. A number of respondents were supportive of MSPs and others publishing their calendars in addition to the Lobbying Register. [Shelter Scotland](#) stated in written evidence that:

“By moving to a system of having MSPs, Ministers, Special Advisers and the Permanent Secretary publish their diaries on a regular basis, it would be possible to achieve the same results as the Act as it stands, while having greater ability to ensure compliance with the Act, and reducing the administrative burden on both organisations and the Lobbying Register staff. Simply put, it is easier to keep track of c.150 entries compared to the thousands of organisations which currently have to submit separate entries. MSPs/Ministerial offices are already set-up to work in such a manner.”⁷⁷

87. [Friends of the Earth Scotland](#) believed that the publication of diaries could be “complemented by the register”, by providing a “more detailed overview of those meetings which meet the criteria.”⁷⁸ It suggested that “Combined, this would create a more robust system and go much further to achieving the Act’s original aims of creating transparency in our political system.”⁷⁹ [LINK](#) highlighted MEPs’ use of a tool ‘LobbyCal’ which takes information from calendars and automatically publishes the relevant information for transparency purposes.

88. However, the [Minister](#) warned of the increased burden that would be placed on MSPs if they were required to update the register:

“The lobbying register is predicated on those who do the lobbying being responsible for registering it; that is fundamental to the act. Redistributing the workload would completely change the balance, and I do not see how that would be justified. Speaking up for MSPs, every MSP that I know has a considerable workload at the moment, which has increased immeasurably

through the pandemic. Adding to that workload in that administrative way would not be welcome or justified.”⁸⁰

Draft Committee conclusions/recommendations

89. The Committee understands those who argue that the information contained on the register provides only a partial view of lobbying activity carried out in Scotland given that the current definition of regulated lobbying is limited to face-to-face communications. The Committee recognises that lobbying activities take place in multiple forms, including face-to-face meetings, phone calls, emails and, increasingly, through video-conferencing. While it received no evidence to suggest that organisations were deliberately using other forms of communication to avoid having to register instances of lobbying activity, the Committee acknowledges that there is a body of communication and influencing being carried on that is not on the register and is not being seen.
90. The Lobbying Registrar confirmed that, as expected, there has been a significant increase in the use of video-conferencing for lobbying activity as a result of the COVID-19 pandemic and consequential restrictions on face-to-face physical meetings. This development makes it even more essential that organisations have clarity on the extent to which communications using video-conferencing equipment fall within the definition of regulated lobbying and when they do not. Witnesses highlighted a number of scenarios where the position may not be clear. The Committee below makes a number of recommendations of legislative changes that are required in order for the Act to function effectively. This is one of the areas on which the legislation needs to be clear. The Committee recommends that the Scottish Government, after appropriate consultation, bring forward legislation to provide clarity on this issue.
91. The Committee notes the evidence suggesting that civil servants can have a significant impact and influence on policy development, particularly at a senior level, and that, as such, the Act should be extended to communications to this category of individuals. The Committee is not necessarily persuaded by those who suggest that extending the Act to cover civil servants would risk politicizing them.
92. The Committee also notes reservations around the detail of how extensions to the type of communications or category of decision makers in the legislation might apply in practice. The Committee would expect the scope of any future extension to the legislation to be informed, in the first instance, by the impact assessment and the precise parameters of any change to then be explored in any subsequent consultation that the Scottish Government undertakes.

93. **Nonetheless, the Committee recognises concerns around the potential administrative burden which could arise from extensions to the Act in these areas and, in general, the Committee supports a proportionate approach to any extension. The Committee would need to be persuaded that, given the potential administrative impact, any such extension to the Act would not only improve the overall transparency of lobbying activity but also contribute to the broader objectives of increasing openness, accountability and engagement in the work of Government and Parliament. As such, any future extension of the Act needs to be viewed in light of the impact assessment recommended above.**
94. **The Committee heard from organisations during oral evidence that the administrative burden was, in part, due to issues with the functionality of the Lobbying Register and witnesses provided examples of how this could be significantly reduced with improvements to the technology. The Committee notes that improvements to the Lobbying Register would reduce the administrative burden which could, in turn, provide increased capacity in order for organisations to comply with any future extension of the Act. Therefore, the Committee considers that steps must be taken to ensure that the usability and accessibility of the register is at an optimum. The Committee makes a number of recommendations in this regard below.**
95. **A number of respondents suggested that, in addition to the Lobbying Register, MSPs and Ministers should be required to publish their diaries and calendars. The Committee notes that information about ministerial engagements is published on the Scottish Government’s website.⁸¹ The publication of MSPs’ diaries and calendars is not something that the Committee supports given its concerns about breaching the confidentiality of constituents and the disclosure of third party data.**

Expenditure/costs of lobbying

96. Section 50 of the Lobbying Act also provides that the Committee’s report may include a recommendation as to whether the Act should be amended in relation to “the circumstances in which a person engaging in regulated lobbying is to provide information, to be included in the register, about expenditure incurred by a person engaging in regulated lobbying”.

97. At present, the Act does not require any information to be recorded on the register relating to expenditure on lobbying activity. However, a number of organisations suggested that this information would provide greater transparency. In its written submission, the [Law Society of Scotland](#) stated that “from a public perspective, there have been global concerns that those holding the biggest purse strings are perhaps in a stronger position when it comes to lobbying, with large corporations and industry spending a significant amount to influence policy and legislation to their benefit”.⁸² [SALT’s](#) evidence made a similar point highlighting that “76 per cent of UK respondents to Transparency International’s 2016 Global Corruption Barometer (GCB) survey thought that wealthy individuals often use their influence on government for their own interests and there should be stricter rules to prevent this.”⁸³ [LINK](#) described such costs as “one of the biggest black holes for the transparency of Scottish politics”. They indicated that “People can spend five-figure sums to get access to ministers or MSPs at party conferences, and there is little transparency about that.”⁸⁴
98. [SALT](#) also argued that not requiring expenditure “gives the impression that there is equal opportunity for organisations and groups to present their views to ministers and MSPs when there might be a substantial disparity in their resources. Whilst money does not necessarily equate to access and influence, it is clearly a relevant factor when considering whether it is the people of Scotland shaping their future or wealthy vested interests. Therefore, it is information that should be subject to public scrutiny.”⁸⁵
99. Those opposed to the inclusion of cost information on the register stated that such a requirement would be difficult and time consuming to calculate; for example, questioning whether salaries of those who undertake regulated lobbying would be included and that it may be business sensitive for commercial lobbyists. [Community Pharmacy Scotland](#) also commented that financial investment does not always increase the level of influence organisations have on decision makers.
100. In its written evidence, [Message Matters](#) provided an example of the technical challenge associated with recording lobbying expenditure:
- “Lobbying is often, indeed usually, undertaken as part of an integrated communications exercise including (for example) PR, media relations, internal comms, social media, corporate communications and more. Asking for lobbying to be identified, split out and costed would be impossible, whether attempted by a consultancy or an in-house charity lobbyist.”⁸⁶

101. Some jurisdictions do require this kind of financial information to be provided on the Lobbying Register providing various models as to how this information could be captured. The [Law Society of Scotland](#) stated that many jurisdictions have introduced the use “of a cost threshold trigger to their lobbying regulatory framework, being the amount either spent or made on lobbying activity.”⁸⁷ They suggested that the use of cost thresholds helps to “capture information on those corporations which may be prolific lobbyists, without imposing bureaucracy on those who may only be ‘occasional’ lobbyists.”⁸⁸ [Homes for Scotland](#) supported a minimum spending threshold to avoid recording minimal costs, cautioning that “if the cap is set too low, many organisations may find themselves having to record and maintain details of very small transactions such as the purchase of a coffee or a small lunch during the course of a meeting”.⁸⁹
102. [Neil Findlay](#) suggested that “one way to bridge commercial sensitivity concerns” would be to introduce a banding system “say £2000 to £5000, £5000 to £10,000, and so on”. He pointed out that “this would mean that the financial details which are divulged are an approximation rather than an exact figure, thus providing an element of commercial confidentiality.”⁹⁰ [LINK](#) considering that “introducing a banding system and a minimum threshold would introduce more transparency in a user-friendly way.”⁹¹
103. [Transparency International UK](#) suggested adopting the US and EU approach with organisations required annually to submit a good faith estimate of their lobbying expenditure.
104. On a related point, respondents, including [Elaine Fraser](#) and [MurrayBlackburnMackenzie](#), raised the transparency of Government funding received by organisations that carry out lobbying activity. The [Minister](#) was questioned as to whether there was a lack of transparency regarding this, specifically if funded organisations are allowed to disagree with the Government’s position. The [Minister](#) stated that:
- “It is not for the Scottish Government to tell an organisation what its policy position is. For an organisation in that situation, the breakdown of its funding is publicly available. We are all aware of instances in which, when an organisation has a controversial view, the fact that it is funded partly or largely by the Scottish Government is brought to the fore. I do not see that there is an issue in such instances, because there is no secrecy about the funding that the organisation might, largely or in part, have.”⁹²
105. The [Minister](#) indicated that he would “not have an issue” if the Committee recommended that organisations should declare Government funding as part of lobbying returns “because such funding is a matter of public record,

anyway.”⁹³

Draft Committee conclusions/recommendations

106. **Whilst the Committee is aware that money does not necessarily equate to access and influence, the Committee acknowledges the calls from witnesses who indicated that information about expenditure on lobbying activity should be included in the register.**
107. **The Committee recognises that any such mechanism should be proportionate and not overly burdensome and take account of potential commercial sensitivities in recording such information. The Committee notes options such as using a minimum threshold and a banding system. It is also attracted to the system whereby organisations submit a good faith estimate of their lobbying expenditure in line with the regimes in the EU and US. The Committee recommends that these options are explored following the impact assessment.**
108. **While Committee understands that information about Government funding to individual organisations is currently publicly accessible, it recognises that there are good arguments why, in the interests of transparency, this information should also be included in the Lobbying Register. The Committee recommends that this potential development is explored at the same time as options are considered for including information in the register about lobbying expenditure.**

Exemptions to “regulated lobbying”

109. The schedule to the Lobbying Act makes provision for a number of exemptions defining activity which is not to be regarded as “regulated lobbying” for the purposes of the Act. The first [annual report](#) of the Lobbying Register in 2019⁹⁴ highlighted four key exemptions in relation to which further clarity was required and these exemptions were routinely cited by respondents to the Committee’s call for evidence as raising an issue of concern or an area which required further clarification:
- The communication is made to a constituency or regional MSP (other than a Scottish Minister) of the area where the person/organisation’s activity is ‘ordinarily carried out’.
 - The communication is made on request for factual information or views on that topic (that is, it is not “regulated lobbying” if the decision maker makes the request).
 - The communication is made by small organisations (that is, organisations with 10 or fewer full-time members of staff unless the organisation’s primary purpose is third party lobbying).

- The communication is not made in return for payment (that is, it is only regulated lobbying if the person making the communication is paid. E.g they are not a volunteer, they receive payment for their work).

Exemption of communications made to a Member for constituency or region

110. Respondents to the Committee’s call for evidence indicated that the definition which exempts any discussion with MSPs (unless a Minister) if the business is “ordinarily carried on” in their constituency or region was unclear. The [FSB](#) and [CBI Scotland](#) were supportive of the exemption in principle but highlighted uncertainty around its application. [FSB](#) questioned, for example, whether an online business providing goods and services across the country could legitimately apply this exemption to all of its lobbying activity. Respondents were also unsure if the exemption applied to umbrella organisations, utility companies and national organisations that operate in or have premises in constituencies across Scotland.
111. [FSB](#) raised possible inconsistencies in the way individual organisations are applying the exemption, stating that “anecdotal evidence suggests that this has led to widespread variation in how different Scotland-wide organisations are interpreting this particular aspect of the legislation.”⁹⁵
112. Some respondents raised this exemption as a potential gap in the transparency of recording lobbying activity. [ASPA](#) suggested that the exemption may have been used more widely than anticipated observing that, “in fact, there is widespread use of this exemption and that often the individual contact with a local representative is actually part of a wider systematic engagement.”⁹⁶ [LINK](#) indicated that some of its members were concerned that they could be perceived to be ‘hiding’ lobbying activity pointing to examples they had tried to submit a return, but been advised by the Lobbying Register clerks not to submit because of this exemption.”⁹⁷
113. The [Law Society of Scotland](#), which had been involved in the development of the parliamentary guidance on constituency and regional exemptions, advised that the working group had a lot of problems with the exemption because it is open to interpretation. It noted that “clarification would be welcome, and it should be looked at more closely”.⁹⁸
114. During the oral evidence session, the [Lobbying Registrar](#) noted the challenges with the exemption and added that there is a “lack of a definition of the phrase “ordinarily carried on”⁹⁹ and highlighted the process for obtaining clarity from the Government, stating that:
- “We have to formally consult the Scottish ministers on the parliamentary guidance, and the best guidance that we could get, which was agreed by the Government, is that it is up to the organisations to decide.”¹⁰⁰

Exemption of communications made on request

115. Under the Act, discussions are exempt if they are invited “in response to requests for factual information or views on a topic”. Many of the organisations which submitted written evidence to the Committee found this exemption difficult to apply in practice because conversations can stray into topics that would constitute regulated lobbying under the Act even when they are conducted in response to an invite requesting information. In oral evidence to the Committee, [ASPA](#) summed up their position as follows:

“Conversations very rarely remain contained: if an organisation is asked in to discuss blue coffee cups, in reality, the conversation will develop and go outwith the blue coffee cups sphere.”¹⁰¹

116. [LINK](#) agreed, stating that “Someone might ask to meet us about one issue, but any good lobbyist will try to shoehorn in five other issues.” [LINK](#) indicated that it would be “good to have clarity about whether those five other issues must be registered”.¹⁰² The [Food and Drink Federation Scotland](#) pointed out that it was “difficult to know what to log and what not to log” and this had resulted “in some information returns being rejected.”¹⁰³ [ASPA](#) suggested that the easiest way to straighten out the “loophole” was “to make all such conversations registrable, regardless of who initiated them.”¹⁰⁴

117. The [Electoral Reform Society Scotland](#) and [SALT](#) supported the view on this exemption put forward in the 2019 annual report on the Lobbying Register which suggested that further clarity was needed over the exemption. The [report](#) stated that:

“The issues raised with the Lobbying Team concern instances where the request is either not sufficiently clear to begin with or the request is issued in a ‘cover-all and anything’ manner. Some registrants have expressed concern on both these points, in terms of clarity and because of a desire to provide full transparency.”¹⁰⁵

118. During the oral evidence sessions, Committee Members also raised the position of Scottish Government working groups established to take forward policy development and implementation and the extent to which communications taking place within this forum could or should constitute “regulated lobbying”. The [Minister](#) for Parliamentary Business and Veterans argued that this activity should not constitute lobbying, stating:

“I argue that there is a difference between the formulation of policy under a heading and lobbying, as such. Of course people will articulate their views in the process of a working group. However, there is a nuance, in that out-and-out lobbying presents a position, whereas in a working group a range of views will be put across on which people will be challenged. At the risk of sounding naive, I would expect that the group would then arrive at a balanced position that would not reflect the asks of everyone who had participated.”¹⁰⁶

119. Dougie Wands, Policy Advisor from the Scottish Government, suggested that if working groups were to be included in the definition of regulated lobbying, the exemption concerning communications made on request would apply to communications made within working groups. In follow-up correspondence, the Minister advised that information on policy advisory groups and independent reviews is published on the Government’s website.¹⁰⁷

Exemption of communications by small organisations

120. A number of respondents discussed in their written evidence the exemption which relates to communications by organisations with fewer than 10 employees. Some respondents were concerned that small organisations with significant influence can be exempt and believed in a level playing field approach. [Scottish Land and Estates](#) highlighted this view stating that this exemption “can result in some lobbying organisations being exempt from the lobbying register due to the small business exemption, but who may have regular meetings with MSPs and who can galvanize a huge number of members or supporters to lobby their constituency MSPs on their behalf, and therefore significantly influencing the development of public policy but without there being any public record of the role their lobbying played in the process.”¹⁰⁸

121. [RNIB Scotland](#) stated that the roles within an organisation may have more effect on the ability to absorb the requirements of the Act than the size of the organisation specifically. [RNIB Scotland](#) made the point that, in practice, the number of total staff is less relevant than the number of staff the organisation employs in public affairs and administration roles.

122. In his oral evidence to the Committee, the [Lobbying Registrar](#) noted that clearer guidance could be provided in relation to this exemption, stating that:

“Some smaller organisations and charities that have fewer than 10 employees are not clear whether they are a representative body under the act, and we could not provide fuller guidance on that. That is something that we could work to provide; there is a different definition in Ireland that could be used, for example.”¹⁰⁹

123. This exemption does not apply if an organisation exists primarily to represent the interests of other people. The [Parliamentary Guidance](#) outlines the lack of clarity when considering whether a charity can apply the exemption: “For other organisations, particularly smaller charities with a membership base, this may be less clear. The Act does not define what a representative body is. However it is clear that the intent was to exempt most small organisations from the requirement to register lobbying activity. While many small organisations lobby and campaign to raise awareness of a particular cause, that does not mean they are necessarily a representative body.”¹¹⁰

124. In follow up correspondence to the Committee, the Minister indicated that “Parliament was very clear that representative bodies, despite having few direct employees in Scotland, should not benefit from the small organisation exemption.”

Exemption of communications without payment

125. Lobbying conducted by individuals who hold unpaid or honorary positions with organisations is exempt. Respondents raised a number of differing issues in relation to the application of this exemption. For example, some respondents highlighted in their written evidence that such individuals can be influential lobbyists. [LINK](#), [Alcohol Focus Scotland](#) and [Helen McDade](#) suggested that this exemption was creating gaps in reporting. [Helen McDade](#) pointed out that “an unpaid Trustee could have several meetings a week and the organisation does not need to register.”¹¹¹

126. [Alcohol Focus Scotland](#) stated in its written evidence that, although the Act provides the option of becoming a ‘voluntary registrant’ in such circumstances, this “depends on goodwill and some unpaid lobbyists may deliberately choose not to do so.”¹¹² [Alcohol Focus Scotland](#) suggested that, in order to provide a true sense of the level and type of lobbying activity in Scotland, this exemption should be “re-considered.”¹¹³ [LINK’s](#) evidence also suggested that the Lobbying Register team discourages voluntary registration.

127. A further issue raised in connection with this exemption was highlighted by the [Lobbying Registrar](#) in his oral evidence. He described a situation where an individual who is not normally an employee of the organisation is given a small gift. He noted that “that could kind of sit there forever and the person could be worried about whether that constitutes payment, so one suggestion was that there could be a de minimis amount or a time period after which a gift does not apply.”¹¹⁴

Making changes to the exemptions

128. In their evidence to the Committee, the Lobbying Team confirmed that, while there are powers within the Act to produce Parliamentary guidance and to make some changes under section 15 of the Act, changes to the exemptions would require specific legislative change.¹¹⁵

Draft Committee conclusions/recommendations

129. Respondents to the call for evidence and witnesses during the Committee's oral evidence sessions raised a number of issues concerning a lack of clarity and differing interpretations of some of the exemptions listed in the schedule to the Lobbying Act. Determining the application of the exemptions in such cases not only increased the time and resource spent on lobbying returns by both the organisation and the Lobbying Team, but also risks excluding from the register communications which should, in fact, constitute regulated lobbying.

130. The Committee notes that clarity is required on exemptions relating to communications made to a constituency or regional MSP where the person/organisation's activity is 'ordinarily carried out'; communications made on request for factual information or views on that topic; communications not made in return for payment and communications made by small organisations. The Committee notes that changes will be required to the legislation to provide such clarity.

131. In general, the Committee does not take a view on the legislative changes that should be made to each of the exemptions above in order that their meaning is clear. However, the Committee does consider that there are good arguments for reconsidering whether there should be an exemption excluding communications which are made on request. In particular, it notes that a number of the organisations which submitted written evidence to the Committee found this exemption difficult to apply in practice because conversations can stray into topics that would constitute regulated lobbying under the Act even when conducted in response to an invite requesting information and that such conversations rarely remain contained.

132. It is clearly important that the Lobbying Act functions effectively. The Committee therefore recommends that, in the first instance, the Scottish Government consult on changes that are required to the exemptions to introduce the necessary clarity to their meaning before bringing forward the required legislation.

Reporting timescales

133. Under the Act, organisations have six months and two weeks to make lobbying returns. Organisations differ in how they make returns, with some reporting at the end of the reporting period (i.e. after six months) and others making returns at the end of each month or quarter (for example).
134. The [Law Society of Scotland](#) noted that the six-month reporting period may result in lobbying activity being submitted to the register after the passage of a Bill, something it viewed as a potential weakness in the Act, “allowing more ‘controversial’ lobbying activities to effectively lie unreported until such time as the public have all but forgotten.”¹¹⁶ [SCVO](#) also recommended that the register should provide “‘real time’ transparency of lobbying activity and not potentially outdated entries.”¹¹⁷
135. The written submissions of [SALT](#), [Alcohol Focus Scotland](#) and [Transparency International UK](#) noted that the COVID-19 pandemic demonstrates the importance of timely reporting, as key decisions have had significant impact on businesses and members of the public. They highlight that much of the lobbying activity initially undertaken at the outset of the public health emergency would not have been in the public domain until September 2020 due to reporting timescales.
136. [SALT](#), the [Electoral Reform Society](#), [For Women Scotland](#), [Alcohol Focus Scotland](#) and [Transparency International UK](#) suggest shortening the reporting timetable to a quarterly basis in line with international best practice, [SALT’s](#) submission arguing that:
- “The disclosure of lobbying activity is far too slow compared to recommended international best practice. Best practice international standards require timely access to information about lobbying activities, which is as at least quarterly. Ideally, reporting should be as close as reasonably practicable to the activities undertaken.”¹¹⁸
137. During oral evidence, [LINK](#) suggested changing the starting point of the reporting period pointing out that, currently, it is not six months from the day that the organisation lobbies but six months from the end of the period. [LINK](#) stated that “There is a way to reduce the period to, say, three months or quarterly but make it from the date of lobbying.”¹¹⁹ For its part, [MND Scotland](#) was open to the timescales being shortened and indicated that this would not have an impact on the administrative aspect of completing returns because it submitted all of its returns immediately “so that we can be sure that they are 100 per cent accurate.”¹²⁰
138. In their evidence to the Committee, the Lobbying Register team highlighted the benefits of reporting closely to the date of when the lobbying activity was

undertaken. They stated that:

“If we go back to an organisation to seek further details or clarity about a return that is four or five months old, the person who engaged in that regulated lobbying might have moved on or their memory might have faded, so we say to organisations that they can submit little and often, which would make the register more topical.”¹²¹

139. The [Lobbying Registrar](#) suggested harmonising dates for all organisations to report to create a more simplified approach. He noted that “Even though we send out reminders to registrants two weeks before the end of their six-month period, give information on their dates and...have provided improved data on the website to make it clearer for them, we find that the issue with dates can sometimes lead to their being confused or forgetting. We send out quite a high number of non-compliance emails because people forget to put returns in”.¹²²
140. The [Minister](#) suggested shortening the timescales for reporting in order to ensure maximum accuracy for decision makers when reviewing returns, stating that “I have had the experience of getting a notification that was considerably late, which meant having to think carefully about whether the meeting took place and whether it was recorded accurately.”¹²³

Draft Committee recommendations/conclusions

141. **A key objective of the Lobbying Act is to increase transparency in Lobbying activity and to demonstrate the integrity and probity of policy and political decision-making processes. In order to achieve this objective, it is clearly important that the registration of lobbying activity is undertaken timeously to ensure that the information it contains is topical. However, witnesses pointed to a number of weaknesses in the Act in this regard indicating that the six-month reporting period may result in lobbying activity being submitted after the passage of a Bill and potentially allowing more ‘controversial’ lobbying activities to effectively lie unreported.**
142. **This potential weakness in the Act has been underlined by the Covid-19 pandemic in relation to which key decisions have had significant impact on businesses and members of the public. The Committee notes that, under existing reporting requirements, much of the lobbying activity initially undertaken at the outset of the public health emergency may not have been in the public domain until September 2020.**
143. **The Committee is therefore supportive of shortening the reporting timetable to a quarterly basis in line with international best practice. It is also supportive of reporting requirements being harmonised as proposed by the Lobbying Registrar and for the starting point for**

reporting requirements to be from the date at which the lobbying activity took place. The Committee recommends that the Scottish Government initially consult on these changes and then bring forward the necessary legislation.

Non-legislative improvements

144. Many of the respondents to the Committee's call for views cited non-legislative improvements which could make compliance less burdensome and time consuming. These improvements were, in the main, addressing common issues with the Lobbying Register IT system. Respondents described the current system as cumbersome, clunky and time consuming. [SCVO's](#) member survey found that 82% of respondents said that submitting a return was a "cumbersome task".¹²⁴ [ASPA](#) told the Committee that "the user interface is almost 19th rather than 21st century".¹²⁵

145. Comments made by the [Lobbying Registrar](#) suggested that he agreed:

"The website is three years old. It is amazing how quickly technology moves on—page rendering, beta websites and so on. Sometimes, websites just look a bit old after a few years, and ours is in need of a refresh, for sure."¹²⁶

Public accessibility to the register and search function

146. Improvements to the way that people can access and look up information in the register was raised as one way to support the aim of improving public accountability and scrutiny. [SALT](#) stated that "A couple of journalists have said to me that they want to make greater use of the information [in the register], but it is really difficult to query it and to find and bring stuff together."¹²⁷

147. In his evidence to the Committee, the [Lobbying Registrar](#) agreed that improvements to the search function would be of value, acknowledging that this was something that had come through the evidence. He indicated that the information was "there", but it needed to be "findable and usable."¹²⁸

Bulk uploads

148. The [annual report](#) of the Lobbying Register for 2019 notes that there is now a bulk upload feature.¹²⁹ However, while the bulk upload system currently in place does address some respondents' concerns around multiple uploads being required after, for example, conferences and events, it does not allow bulk uploads of multiple different lobbying activity records from, for example, an excel sheet as called for by [LINK](#), [FSB](#), [ASPA](#), [CBI Scotland](#), [SCVO](#) and [Scottish Land and Estates](#) (among others). Multiple organisations identified this development as a means to increase efficiency and decrease administrative burden on organisations.

149. [ASPA](#) suggested that this development should be a priority, while [CBI Scotland](#) raised it as “the single biggest improvement” and would be a “big time saver.”¹³⁰

150. In his evidence to the Committee, the [Registrar](#) noted that if the Committee were to recommend a bulk upload feature, there would be a requirement for additional funding to support this:

“The bulk upload feature that some people are talking about is an Excel spreadsheet and is, in fact, quite a technical and complex thing to do. We do not rule it out and we have looked at it; however, our information technology budget is very small. We have £10,000 a year to spend on development costs, and that function alone would more than surpass that.”¹³¹

Pre-populated entry fields and repetitive information

151. Some respondents indicated that pre-populated entry fields on the register would ease the process of submitting returns. Pre-population is where basic information is provided in key fields or as drop-down options. Such information could include an MSP’s name, constituency or region and Scottish Parliament address. [SCVO](#) argued that “the registration form could be streamlined to reduce the need for re-iterations of the same information”.¹³²

152. [Homes for Scotland](#) supported this, stating that: “For example, when you select an MSP as the “person lobbied” you then also have to type out their full name and constituency in the description of meeting box. If this was in reference to a speech, the person inserting the information could be typing this out for around 20 MSPs. This seems redundant when the information is already captured from the drop-down box of “person lobbied”.¹³³ [RNIB Scotland](#) suggested storing information on the organisation’s account to include drop-down options with information previously supplied, such as the names and addresses of individuals they have previously lobbied. The suggestion was also made that inclusion of MSPs’ photographs would enable quicker identification of who had been lobbied at large events.

153. During oral evidence to the Committee, the [Lobbying Registrar](#) highlighted ways in which the Lobbying Team are working to reduce the administrative burden felt by organisations, stating that:

“[...] there are, for example, two main boxes in the return, which are the main focus for people who say that submitting a return can be quite a drudge. The “Description of the meeting” box is a very basic box in which people should say what contact they had—for example, a meeting or a discussion. People find it a bit monotonous and time consuming to put in ministerial

titles or members' constituency titles. We need that information for reasons of data integrity, but the team puts it in now, because we could tell that people were getting frustrated with it."¹³⁴

Switching accounts

154. [Poppy Scotland](#) raised issues from the perspective of a group which records activity for two registered organisations, suggesting that an option is available to switch accounts on the lobbying system:

"We still incur pressures on our staff member's time on account that they are required to enter two sets of reporting details covering two different organisations' activities. As such, we would welcome the ability to switch accounts on the register system, which would negate the need to exit and re-enter the system each time we need to submit an entry".¹³⁵

Mobile app

155. [ASPA](#) suggested that a mobile app should also be developed as a priority, which would be of particular benefit to "occasional lobbyists".¹³⁶

156. The [Assistant Lobbying Registrar](#) pointed to the ability for users to record lobbying activity through mobile phones. However, he indicated that "Budget-wise, creating an app is not something that we could do right now".¹³⁷

157. The Lobbying Register team indicated that a number of improvements were currently being explored as part of their IT enhancement work, including information on which period registrants are submitting for; automating the description box to enable a tick box for the type of lobbying activity undertaken; including constituencies in the drop-down field for MSPs' and ministers' names; job titles and dates for ministers who have held multiple posts.

158. The [Lobbying Registrar](#) reiterated in oral evidence that:

"I would like to reassure those organisations that we have things in the pipeline, within our small budget, that will help to change things, one of which is the automation of parts of the information return. We do not ask for a huge amount of information in the information return; we ask only about the headings that are listed in the act, which are basic things. Where we can find ways to remove things, we will try to do so."¹³⁸

Draft committee conclusions/recommendations

159. **Many respondents told the Committee that the current system for recording information on the register was cumbersome, clunky and time consuming, with one witness describing the user interface as "almost 19th rather than 21st century". These respondents called for improvements to made to the register to make compliance less**

burdensome and resource intensive. The Committee recommends that consideration be given to introducing practical improvements to the Lobbying Register as a route to reducing the administrative burden on organisations.

160. As noted above, public interest in the register is a key factor in assessing the broader impact of the Act and is an area which remains largely unclear to the Committee. The Committee considers that improvements must be made to the accessibility of the information contained on the register with a view to encouraging engagement with its contents (and broader purpose of the register) by the media and members of the public. In particular, the Committee recommends that consideration be given to introducing a key word search function within the Lobbying Register, similar to that available in other jurisdictions such as Ireland.

161. The Committee recognises that there will be resource implications for the Lobbying Register Team and that consideration of these implications will be required when taking forward recommendations to improve the Lobbying Register.

Lobbying Register guidance

162. The Lobbying Register team is able to ask for further information or clarification on submitted returns. Many of the respondents noted the outreach work undertaken by the Lobbying Register team and felt that this was valuable. In addition, a number of organisations noted that the team was always willing to offer helpful advice. [Scottish Grocers Federation](#) stated that:

“We have found the Scottish Parliament’s Lobbying Register Team to be very helpful with regards to any queries we have had around compliance with the Lobbying Act and issues around submitting returns for the register. They are a good source of advice, information and support.”¹³⁹

163. Nevertheless, two issues were raised as part of the Committee’s review.

Requests for clarification and a tone and language guide

164. A number of organisations noted frustration around the frequency with which they are asked for further clarification of lobbying returns. [The Church of Scotland](#) indicating that “on more occasions than not, we have filled in a form relating to a meeting for the Lobbying Register and it has been returned for editing, despite all questions being answered and details provided. At times we have been told that we have provided too much detail despite thinking this would be helpful.”¹⁴⁰ They noted that the frequency with which this has happened “suggests that the form needs to be clearer as to the information it seeks to glean”¹⁴¹, emphasising that sending the same form back and forth

increases the administrative burden on both the Lobbying Registrar and the person/organisation seeking to comply with the lobbying legislation.

165. Similar concerns were shared by other respondents, including [CBI Scotland](#), [NFU Scotland](#) and [Homes for Scotland](#). [Homes for Scotland](#) suggested producing example templates for clarification on the use of specific language and content. [SCVO](#) indicated that, of the organisations that had made submissions, 65% had had submissions returned because they had not filled them out the right way, or because there was a fundamental misunderstanding about what constitutes lobbying. [Community Pharmacy Scotland](#) indicated that in its experience of submitting information returns, the level of detail required seems to vary “with some of our initial returns being reported as more than satisfactory, yet subsequent returns of very similar quality were sent back to us for further detail to be added.”¹⁴² The [Chartered Institution of Public Relations](#) suggested that there was “some anecdotal evidence that different organisations are submitting differing levels of detail.”¹⁴³
166. [RNIB Scotland](#) indicated that “a language and tone guide for drafting lobbying returns, along with sample lobbying returns, would help new lobbying registrants submit returns accurately first time.”¹⁴⁴
167. The [Assistant Lobbying Registrar](#) highlighted the engagement work undertaken by the lobbying team and noted the useful steer this engagement has had on the development of further guidance:

“We have spent a lot of time visiting organisations, taking part in roundtables, and hearing from all the sectors about their concerns. A lot of that work has helped us, in conjunction with our work in interpreting the act, in providing supplementary documentation for common scenarios and frequently asked questions. We provide a suite of information, so that anybody who uses the register has those documents to hand. We tell people who have something to submit how to submit it and the types of things that we are looking for.”¹⁴⁵

Allowing returns for lobbying activity which organisations feel should be captured

168. Organisations which undertake regulated lobbying activity have to make returns for each instance of regulated lobbying. The Act also allows for voluntary registration of organisations which are not required to register by law but wish to do so. For registered organisations, lobbying returns can be rejected if regulated lobbying is not deemed to have taken place. The Lobbying Register team manage this process. Some respondents noted that they made returns in good faith but that they were rejected because regulated lobbying activity had not taken place.

169. [SCVO's](#) written submission noted that, “on many occasions” ¹⁴⁶ entries have been refused because they were not deemed to constitute regulated lobbying. It was suggested by some SCVO members that if organisations “had gone to the trouble to lodge information they deemed to constitute lobbying activity, this should be included in the register.”¹⁴⁷ [MND Scotland](#) went further and argued that regularly rejected returns could lead to complacency:

“As charities seek to be as transparent as possible, there is sometimes a disparity between what we think is regulated lobbying and what is not. We will take time to submit returns after party conferences, following face-to-face discussions with Ministers about issues we wish to highlight. However, submissions are often reworked, rechecked or rejected (where we are told it is not regulated lobbying and no return is required). This is not a productive use of our limited resources. It is time consuming and there is a concern that regular rejected returns could lead to complacency.”¹⁴⁸

Draft Committee recommendations/conclusions

170. **The Committee notes that many respondents commented on the outreach work undertaken by the Lobbying Register team and felt that this had been valuable. However, a number of organisations expressed frustration around the frequency with which they are asked for further clarification of lobbying returns. Organisations also considered that there should be a greater opportunity to register lobbying activity on a voluntary basis even where it was considered to fall within one of the exemptions.**
171. **The Committee recommends that the Lobbying Register team consider the comments made by respondents to the Committee’s call for evidence and by witnesses during the oral evidence sessions and consider whether further guidance is necessary to address their issues; in particular, the call for a language and tone guide for drafting lobbying returns, along with sample lobbying returns; and whether the form needs to be clearer about the information being sought.**

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- ² Policy Memorandum, paragraph 9.
- ³ Scottish Alliance for Lobbying Transparency. Written submission.
- ⁴ Inclusion Scotland. Written submission.
- ⁵ Public Relations and Communications Association (PRCA). Written submission.
- ⁶ Royal College of Physicians Edinburgh. Written submission.
- ⁷ Royal College of Physicians Edinburgh. Written submission.
- ⁸ Association for Scottish Public Affairs (ASPA). Written submission.
- ⁹ Association for Scottish Public Affairs (ASPA). Written submission.
- ¹⁰ Friends of the Earth Scotland. Written submission.
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- ¹² Royal College of Physicians Edinburgh. Written submission
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- ¹⁴ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 5 November 2020, Col 11*
- ¹⁵ Alcohol Focus Scotland. Written submission.
- ¹⁶ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 5 November 2020, Col 41*
- ¹⁷ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 5 November 2020, Col 14*
- ¹⁸ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 15*
- ¹⁹ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 4*
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- ²¹ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 31*
- ²² Scottish Alliance for Lobbying Transparency. Written submission.
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- ²⁴ NFU Scotland. Written submission.
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- ²⁸ Poppy Scotland. Written submission.
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- ³⁰ Lobbying Register Annual Report 2020, page 19
- ³¹ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 22*
- ³² Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 27*
- ³³ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 27*
- ³⁴ Shelter Scotland. Written evidence.
- ³⁵ Shelter Scotland. Written submission.
- ³⁶ SCVO. Written submission.
- ³⁷ Support in Mind. Written submission.
- ³⁸ CBI Scotland. Written submission.
- ³⁹ CBI Scotland. Written submission.
- ⁴⁰ Law Society of Scotland. Written submission.
- ⁴¹ SPICe summary of evidence
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- ⁴² Shelter Scotland. Written submission.
- ⁴³ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 5 November 2020, Col 10*
- ⁴⁴ Alcohol Focus Scotland. Written submission.
- ⁴⁵ Neil Findlay MSP. Written submission.
- ⁴⁶ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 5 November 2020, Col 42*
- ⁴⁷ RNIB Scotland. Written submission.
- ⁴⁸ ASPA. Written submission.
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- ⁵⁰ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 5 November 2020, Col 38*
- ⁵¹ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 5 November 2020, Col 40*
- ⁵² Homes for Scotland. Written submission.
- ⁵³ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 5 November 2020, Col 18*
- ⁵⁴ Community Pharmacy Scotland. Written submission.
- ⁵⁵ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 5 November 2020, Col 40-41*
- ⁵⁶ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 5 November 2020, Col 18*
- ⁵⁷ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 26*
- ⁵⁸ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 26*
- ⁵⁹ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 28*
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- 72 Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 39*
- 73 Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 40*
- 74 Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 42*
- 75 Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 42*
- 76 Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 43*
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- 81 <https://www.gov.scot/collections/ministerial-engagements-travel-and-gifts/>
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- 121 Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 14*
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- ¹²⁸ Public Audit and Post-legislative Scrutiny Committee. *Oral evidence, 26 November 2020, Col 8*
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