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SPICe Briefing

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# Report from a partial evaluation of the Lobbying (Scotland) Act 2016

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This report comprises a partial evaluation of the Lobbying (Scotland) Act 2016. It was commissioned by the Standards, Procedures and Public Appointments (SPPA) Committee and undertaken by the Scottish Parliament Information Centre (SPICe). The report provides background on the Lobbying (Scotland) Act 2016, sets out the findings of the evaluation, and suggests areas for further consideration based on those findings.



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# Executive Summary

This partial evaluation of the Lobbying (Scotland) Act 2016 was commissioned by the Scottish Parliament Standards, Procedures and Public Appointments (SPPA) Committee (Session 6), and undertaken by the Scottish Parliament Information Centre (SPICe) between March and September 2023. The aim of this partial evaluation is to support the SPPA Committee's consideration of whether the Lobbying (Scotland) Act 2016 is fulfilling its policy objectives of increasing the transparency of lobbying activity.

The partial evaluation was structured around three research questions agreed by the SPPA Committee.

1. How does the Lobbying (Scotland) Act 2016 compare with international best practice and comparator countries?
2. How is the reporting duty under the Lobbying (Scotland) Act 2016 operating?
3. How is the Lobbying Register used and by whom?

In support of the three research questions, SPICe analysed the statutes governing lobbying in Scotland to assess how the provisions for lobbying disclosure compare with best practice standards. A full analysis of returns on the Lobbying Register and a survey of registered organisations was conducted to assess how the reporting duty in the Act is operating. Finally, SPICe surveyed users of the Lobbying Register to understand who uses the Lobbying Register and for what purposes.

The findings of the partial evaluation indicate there is sufficient evidence to suggest that the Act is delivering on its policy objectives of increasing the transparency of lobbying activity. However, the evidence in favour of increased awareness of lobbying activity is more limited.

The findings in support of increased transparency include the following.

1. Scotland was rated higher than average for its provisions for lobbying disclosure and public sector transparency. The lobbying disclosure system on its own, as provided for by the Act, was rated as a medium-robustness system.
2. The assessments of the provisions of the Act, text analysis of the Lobbying Register content, and responses to a survey of registered organisations, indicate that the Lobbying Register allows substantive information on regulated lobbying activities to be recorded and completed to a consistent standard.
3. A range of organisations in different sectors can access legislators and are increasing their engagement with legislators. There is no suggestion that the Act has deterred organisations from sharing expertise, seeking support for causes, and engaging in a wide range of activities that could be considered regulated lobbying.
4. A survey of Lobbying Register users indicated that registered organisations, members of the public and members of the media all use the Lobbying Register to varying extents.

The findings from across the three research questions indicate areas of the Act - in its

provisions and operation in practice - where the delivery of transparency outcomes could be improved. These areas are summarised as follows.

1. The provisions are manageable for most organisations but the definition of regulated lobbying may be biased towards capturing the activity of campaigning and public awareness organisations. The extent to which broader information on lobbyist contacts with elected representatives and public officials is captured may warrant further consideration.
2. The reporting period of six months is longer than time periods considered best practice for disclosing lobbying activities. The shortening of the timescale and moving to harmonised reporting dates may improve the transparency outcomes of the Act by making it easier to identify the lobbying meetings that may have affected policy and legislation.
3. There may be an imbalance between the extent to which the provisions allow for transparency, and the eventual engagement with the Lobbying Register by members of the public. Public awareness of, and public engagement with, the Lobbying Register may warrant consideration in order to ensure that the Act's transparency outcomes realise the secondary objectives of facilitating understanding of lobbying activity and improved public scrutiny of the Government and Parliament.

# Background to the partial evaluation of the Lobbying (Scotland) Act 2016

## Lobbying (Scotland) Act 2016

The Scottish Government introduced the then Lobbying (Scotland) Bill in the Parliament on 29 October 2015. <sup>1</sup> The Scottish Government's stated aim for the Bill (as put forward in the Policy Memorandum to the Bill) was:

“ to increase transparency of direct face to face paid lobbying (communication) with MSPs and Ministers. Improved transparency will 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. In this context paid lobbying is used in the sense of a consultant paid to lobby or individuals in commercial or other organisations who lobby as part of their paid work.”

The Scottish Parliament, 2015<sup>1</sup>

The Lobbying (Scotland) Act 2016 (“the Act”) received Royal Assent on 14 April 2016 and came into force on 12 March 2018. <sup>2</sup> The Act provides for a public lobbying register in which all instances of regulated lobbying can be recorded.

Section 1 of the Act sets out that a person is engaging in regulated lobbying if they make a face-to-face oral communication (including by British Sign Language or 'otherwise made by signs') on a matter of Government or Parliamentary functions, and for which they are paid, to any of the following persons: <sup>2</sup>

- Members of the Scottish Parliament (MSPs);
- members of the Scottish Government (including Scottish Law Officers and junior Scottish Ministers);
- Scottish Government special advisers; and
- the Permanent Secretary to the Scottish Government.

Any communication that is not made face-to-face (or on a video-conferencing platform<sup>i</sup>) is not regulated lobbying. <sup>2</sup> Written correspondence, phone calls (without video-conference functionality), and direct messages on social media are not regulated lobbying in accordance with the Act. <sup>2</sup>

Some in-person oral communications are not lobbying for the purposes of the Act. These exemptions are listed in the Schedule to the Act. An exemption applies when: <sup>4</sup>

- an individual is raising an issue on their own behalf;
- the face-to-face lobbying was with an MSP who is not a member of the Scottish

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<sup>i</sup> The Lobbying Register published guidance on the use of video-conferencing facilities on 5 June 2020. <sup>3</sup>

Government but represents the constituency or region in which the registered organisation is ordinarily based or operating;

- the individual is unpaid by the registered organisation;
- the registered organisation has fewer than 10 full-time employees, and the individual conducting the face-to-face lobbying is not communicating on behalf of a third party;
- the face-to-face lobbying takes place during formal parliamentary proceedings or as communication required by statute or another rule of law;
- the communication is made in response to requests for factual information or views on a topic from MSPs, the Scottish Government, Law Officers, Permanent Secretary, or Special Advisers;
- the communication is made by a political party, for the purposes of journalism, or for discussing terms and conditions of employment;
- the individual making the communication is exempt due to their public role or the role of the organisation that they represent.

Part 2 of the Act provides that the Clerk of the Scottish Parliament must establish and maintain a lobbying register.<sup>2</sup> The '[Lobbying Register](#)' is a public register of lobbying activity. It is operated by the Scottish Parliament.

The Clerk of the Scottish Parliament along with the Commissioner for Ethical Standards in Public Life in Scotland have responsibilities for oversight and enforcement of the Act.<sup>2</sup> The Clerk of the Scottish Parliament has delegated the requirement to monitor compliance to the Lobbying Registrar (and the Registrar's team, referred to as the 'Lobbying Register team').<sup>4</sup>

The Lobbying Register must contain information on three categories of persons - active registrants, inactive registrants and voluntary registrants<sup>ii</sup>.

Any organisation which lobbies, within the section 1 definition of "regulated lobbying", those individuals holding the offices covered by the Act (e.g., MSPs and Scottish Government Ministers) must register and make returns to the Lobbying Register.<sup>2</sup> Registered organisations are required to detail certain information by making an information return on each instance of regulated lobbying undertaken in a six month period.<sup>2</sup> Information returns must include:

- the details of who was lobbied and their role (e.g., Minister, MSP);
- the individual who carried out the lobbying activity;
- when and where the regulated lobbying took place; and
- a description of the lobbying and the intended purpose.<sup>2</sup>

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ii Active registrants are those engaged in regulated lobbying.<sup>4</sup> Inactive registrants have applied and been granted inactive status because they no longer carry out regulated lobbying.<sup>4</sup> Voluntary registrants are registered on a voluntary basis and may conduct lobbying but an exemption may apply meaning its communications are not regulated lobbying.<sup>4</sup>



The Lobbying Register team can ask for further information or clarification on submitted returns. If a registered organisation has not undertaken regulated lobbying in a six month period, then it must make a "nil" return.<sup>2</sup>

Where an organisation decides to stop engaging in regulated lobbying and wishes to be labelled as 'inactive,' it must formally apply to the Lobbying Register to be granted this status.<sup>2</sup> Any outstanding returns (including nil returns) must be submitted to the Lobbying Register up to the date of the request before an organisation is granted inactive status. Returns submitted to the Lobbying Register before the organisation is made inactive remain published on the Lobbying Register.

If an organisation is reported for failing to register when it has engaged in regulated lobbying, then the Lobbying Registrar can ask for information and issue an Information Notice.<sup>2</sup> The Commissioner for Ethical Standards in Public Life in Scotland ("the Ethical Standards Commissioner") is responsible for investigating complaints of alleged breaches.<sup>2</sup> The Act also makes provision for penalties, fines, and criminal offences where there is a failure to provide accurate information or a failure to register.<sup>2</sup>

Part 4 of the Act makes provision for Parliamentary guidance on the operation of the Lobbying Register, public awareness of the Act, and a code of conduct for registered lobbyists.<sup>2</sup> The Act also requires that guidance on the communications that are exempt from the Act (as listed in the Schedule and explained above) is provided.<sup>4</sup>

## Section 50 review of the Lobbying (Scotland) Act 2016

Section 50 of the Act provides that a committee of the Parliament must carry out a review of the operation of the Act during the two-year period after the provision on the duty to register came into force.<sup>2</sup> This review was carried out by the Session 5 Public Audit and Post-legislative Scrutiny (PAPLS) Committee. The 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.”

The Scottish Parliament Public Audit and Post-legislative Scrutiny Committee (Session 5), 2021<sup>5</sup>

The PAPLS Committee published its final report 'Post-legislative scrutiny: The Lobbying (Scotland) Act 2016' ("the PAPLS report") on 22 March 2021.<sup>5</sup>

Section 50 of the Act sets out several areas that the review should consider and make recommendations on.<sup>2</sup> The PAPLS report summarised those provisions of the Act:

“ 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.”

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.”

The Scottish Parliament Public Audit and Post-legislative Scrutiny Committee (Session 5), 2021<sup>5</sup>

The PAPLS Committee section 50 review looked at the operation and impact of the Act to date, options for legislative reform, and whether non-legislative changes could improve the operation of the Act. <sup>5</sup> The PAPLS Committee’s final report recommended that the Scottish Government undertake a full and independent impact assessment examining the operation of the Act to inform a consultation on proposed legislative changes. <sup>5</sup>

The PAPLS Committee’s conclusions, summary of evidence, and recommendations for an impact assessment are set out in paragraphs 59 to 66 of its report. <sup>5</sup> The Committee’s conclusions indicated there was: <sup>5</sup>

- diversity of opinion on the necessity of the legislation, the scope of the legislation, the accessibility of the Lobbying Register, and whether the Act has achieved its transparency objectives;
- differing views on the administrative burden for registered organisations to record lobbying activity; and
- positive reception that compliance with the Act appears to be high but uncertainty over whether it could unearth instances of poor practice and undue influence.

The PAPLS Committee report also recommended that an impact assessment should be able to inform any further extension of the scope of the Act. <sup>5</sup> In addition, the Committee recommended that the impact assessment includes the following objectives: <sup>5</sup>

- an examination, through the collection and analysis of appropriate data and engagement with end users of the Lobbying Register, of whether the Act has delivered its broader transparency and public accountability objectives as set in the Policy Memorandum;
- full analysis of lobbying returns with identification of any variations in the way in which organisations are undertaking their reporting duties (and the reasons for this); and
- full and comprehensive analysis of the impact of the Act on registered organisations.

The then Minister for Parliamentary Business and Veterans, Graeme Dey MSP, indicated the Scottish Government’s view that it was for the Parliament to undertake or commission the impact assessment and make any recommendations for changes to the Act by means of a Committee Bill. <sup>6</sup>

The Convenor of the Session 6 Public Audit Committee wrote to the Convenor of the Session 6 Standards, Procedures and Public Appointments (SPPA) Committee to highlight the post-legislative scrutiny of the Act.<sup>7</sup> The Convenor of the Public Audit Committee asked that the SPPA Committee consider following up on the recommendations from the post-legislative scrutiny since lobbying falls within the remit of the SPPA Committee.<sup>7</sup>

# Scope of the evaluation

The Session 6 SPPA Committee agreed to ask the Scottish Parliament Information Centre (SPICe) to undertake a partial evaluation study of the Act on 23 March 2023.<sup>8</sup>

The PAPLS report set out that the aim of the evaluation study should be to establish whether the Act has delivered its transparency and public accountability objectives (as articulated in the Policy Memorandum to the Bill).<sup>5</sup> The SPPA Committee agreed a mixed-methods research approach in support of this aim structured around three research questions.

1. How does the Lobbying (Scotland) Act 2016 compare with international best practice and comparator countries?
2. How is the reporting duty under the Lobbying (Scotland) Act 2016 operating?
3. How is the Lobbying Register used and by whom?

To address the first research question, SPICe analysed the statutes governing lobbying in Scotland using two published questionnaires. The scores from these questionnaires were then used to quantitatively appraise the statutes across various metrics, including transparency, public access, and oversight of registration systems. The resultant scores from this analysis are compared with published scores from the respective systems in the United Kingdom and Ireland to gauge how the Scottish Act compares to countries with similar standards and transparency systems.

To address the second question, a full analysis of returns on the Lobbying Register was conducted to assess how the reporting duty in the Act is operating. This was supported by a text analysis of lobbying returns to assess common topics and themes present in regulated lobbying activity. Representatives from registered organisations were also surveyed for their assessments of the administrative effort involved in complying with the reporting duty.

To assess the final question - how the Lobbying Register is used - SPICe administered a short survey on the Lobbying Register homepage. This was to gain an understanding of the types of people accessing the Register and for what purposes. One of the secondary aims of this exercise was to assess the extent to which members of the public access the Lobbying Register.

# How does the Lobbying (Scotland) Act 2016 compare with international best practice?

## Key findings: How does the Lobbying (Scotland) Act 2016 compare with international best practice?

- The Act demonstrates moderate performance in enhancing lobbying transparency.
- Provisions supporting the potential accessibility of the Lobbying Register and effective oversight by the Lobbying Register team taken to be strengths of the lobbying disclosure system.
- The broader public transparency framework in Scotland, including the Freedom of Information (Scotland) Act 2002 and the Scottish Ministerial Code, contributes positively to fostering transparency of public sector contact with lobbyists.
- Statutory and voluntary codes of conduct for various stakeholders support a positive culture of lobbying and public transparency in Scotland.

## Areas for consideration

- Expansion of the definition of regulated lobbying to encompass written and oral communications in line with international standards.
- Proactive disclosure of senior public officials' and elected representatives' contacts with lobbyists.
- The absence of requirements to record lobbying expenditure on the Lobbying Register.
- Changes to reporting requirements including shorter reporting intervals and harmonisation of reporting dates across registered organisations.
- The absence of revolving door provisions and statutory cooling-off periods in the Act.

## Assessments of lobbying and transparency provisions

SPICe selected two assessments to quantitatively measure the performance of regulations governing lobbying and related transparency mechanisms in Scotland.<sup>iii</sup> The two indexes were:

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<sup>iii</sup> Further detail on the assessments, the information provided to raters, and the scoring procedures can be found in [Annex 1.1](#). The complete set of scores provided by Rater 1 (the scores reported in this evaluation) can be found in [Annexes 1.1.2](#) and [1.1.3](#).

- The Transparency International Assessment Questionnaire ("the TI Assessment")<sup>9</sup>
- The Center for Public Integrity Lobbying Index (also known as the CPI Index or "Hired Guns" Index).<sup>10</sup>

The TI Assessment is based on 19 countries in the European Union (including the UK as the assessment predates EU Exit).<sup>11</sup> The CPI Index is based on state legislatures in the United States and has been extended to various jurisdictions globally to assess, improve and scrutinise lobbying regulations.<sup>10</sup>

The aim of this analysis is to identify the Act's relative strengths and areas where the transparency outcomes of the legislation could be enhanced. Each assessment provides an overall score of the strength and stringency of the law (or laws) that govern regulated lobbying. Individual questions, referred to as indicators, mark where specific aspects of a lobbying system sit relative to the assessment's view of best practice.<sup>iv</sup> A secondary objective of this analysis is to evaluate specific areas where the PAPLS Committee indicated further consultation and exploration was desired. These areas include:<sup>5</sup>

- expanding the scope of regulated lobbying to encompass additional types of communications (e.g., including all written and oral communications);
- extending regulatory coverage to other groups (e.g., senior civil servants);
- enhancing transparency through the publication of diaries and calendars of those who are lobbied;
- inclusion of expenditure or costs of lobbying on the Lobbying Register;
- making revisions to the exemptions related to "regulated lobbying"; and
- amending reporting timescales (e.g., to report on a quarterly basis).

## **Comparative rating of Scotland, the United Kingdom and Ireland's lobbying and transparency provisions**

To provide further context on the transparency outcomes of the Act, summaries and assessment scores of the lobbying laws in the United Kingdom and Ireland are included in this evaluation report. The UK, Ireland and Scotland have similar governance structures for ensuring standards in public life. More specifically, all three have legislation (or related non-legislative mechanisms) overseeing:

- standards of conduct for elected and appointed public officials;<sup>12 13 14</sup>
- regulation of political parties and elections;<sup>15 16</sup>
- regulation of expenditure of public funds to political parties;<sup>15 16</sup>
- freedom of information;<sup>17 18 19</sup>

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<sup>iv</sup> Regulatory assessments are based on research of different jurisdictions and therefore can differ in the standards regarded as "best practice".

- transparency of lobbying of elected representatives or public officials.<sup>20 21 22 2</sup>

The aim of this comparative rating is to assess how Scotland's system for lobbying transparency compares to similar legal and political systems. The following publications were used to obtain comparison scores for UK and Ireland on the selected measures of lobbying transparency:<sup>v</sup>

- The Transparency International Assessment Questionnaire
  - Mulcahy, S. (2015) *Lobbying in Europe: Hidden influence, privileged access*.<sup>11</sup>
- The Center for Public Integrity Lobbying Index
  - Keeling, S., Feeney, S. & Hogan, J. (2017). *Transparency, transparency: comparing the new lobbying legislation in Ireland and the UK*.<sup>23</sup>

### Lobbying laws in the United Kingdom and Ireland

This section provides an overview of the lobbying transparency mechanisms in the UK and Ireland.

#### *Office of the Registrar of Consultant Lobbyists, United Kingdom*

The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 ("the UK Lobbying Act") established the Office of the Registrar of Consultant Lobbyists to regulate consultant lobbying in the UK.<sup>22</sup> The Office of the Registrar of Consultant Lobbyists is required to keep a Register of Consultant Lobbyists and monitor compliance with the UK Lobbying Act.<sup>22</sup>

All consultant lobbyists (i.e., those who lobby on behalf of a third party for payment) must register with the Office of the Registrar of Consultant Lobbyists.<sup>22</sup> Thereafter, consultant lobbyists are required to make an information return on a quarterly basis. The information return must include confirmation of any of the following:<sup>22</sup>

- engagement in lobbying in return for payment (regardless of whether payment has been received) and details of the client;
- payment to engage in lobbying (regardless of whether lobbying has been undertaken) and details of the client; or that
- the consultant lobbyist has not engaged in lobbying in return for payment or received payment to engage in lobbying.

Section 2 of the UK Lobbying Act defines what is meant by consultant lobbying.<sup>22</sup> Organisations and individuals are considered to be engaged in consultant lobbying if they are registered under the Value Added Tax Act 1994 and make a written, oral or electronic communication to a Minister of the Crown, Permanent Secretary, or any equivalent specified in Schedule 1 of the UK Lobbying Act, in the course of a business and in return for payment on behalf of a client.<sup>22</sup> The communications subject to the UK Lobbying Act

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<sup>v</sup> The published scores for UK and Ireland may be slightly outdated due to amendments or updates to the mechanisms supporting lobbying transparency. Significant updates to the relevant legislation that have passed since the publication of assessment scores are indicated in the summary sections on UK and Ireland.

must relate to any of the following:<sup>22</sup>

- government proposals to make or amend primary or subordinate legislation;
- any other government policy;
- other government activity in relation to contracts, agreements, grants, financial assistance, licensing or authorisations;
- the exercise of any other function of the government.

The UK Lobbying Act does not require consultant lobbyists to comply with a code of conduct. However, consultant lobbyists must notify the Registrar if they do comply with a relevant code of conduct.<sup>22</sup> For example, the Chartered Institute of Public Relations requires that its members adhere to its Code of Conduct.<sup>24</sup> Using this example, the UK Lobbying Act requires that a consultant lobbyist, who is a member of the Chartered Institute of Public Relations and is therefore bound by its code of conduct, to disclose this on the Register of Consultant Lobbyists.

The UK Lobbying Act does not extend to all Members of Parliament (MPs). However, other types of lobbying activity involving the UK Government and MPs may be disclosed due to requirements of the UK Government Ministerial Code and the UK Parliament Register of Members' Financial Interests. For example, the UK Government Ministerial Code indicates that departments must publish details of Ministers' external meetings on a quarterly basis.<sup>25</sup> Similarly, the Register of Members' Financial Interests is intended to be a record of interests that could influence an MP's actions in the UK Parliament.<sup>26</sup> It includes information on MPs' earnings from outside the UK Parliament, acceptance of gifts and hospitality, and family members' engagement in lobbying activities.<sup>27</sup>

### *Register of Lobbying, Ireland*

The Regulation of Lobbying Act 2015 ("the Irish Lobbying Act") provides for the establishment and maintenance of a publicly accessible register of lobbying in Ireland.<sup>21</sup> The Standards in Public Office Commission is the appointed regulator of lobbying in Ireland and maintains the Register of Lobbying.<sup>21</sup>

The Irish Lobbying Act places obligations on lobbyists to register and provide information about their lobbying activities three times a year.<sup>21</sup> Registration is a requirement of the Irish Lobbying Act if an individual or organisation makes a communication with a "designated public official" on a "relevant matter" and meets any of the following criteria:<sup>21</sup>

- the individual or organisation is acting on behalf of a client (with more than 10 full-time employees or the client is a representative body with at least one full-time employee);
- the organisation is an employer with more than 10 employees where the communications are made on the organisation's behalf;
- the organisation is an advocacy or representative body with at least one employee communicating on behalf of its members and the communication is made by a paid employee; or



- the individual or organisation is making a communication about the development or zoning of land.

The Irish Lobbying Act requires that public bodies publish a list of designated public officials holding office in the organisation.<sup>28</sup> Designated public officials in the Irish Lobbying Act are:<sup>21</sup>

- Ministers and Ministers of State;<sup>vi</sup>
- TDs (members of the Dáil Éireann, the Lower House of the Oireachtas<sup>vii</sup>);
- Senators (members of the Seanad Éireann, the Upper House of the Oireachtas);
- Members of the European Parliament for constituencies in Ireland;
- Members of local authorities in Ireland;
- Special Advisers to Ministers and Ministers of State who have been appointed under the Public Service Management Act 1997;
- Secretaries General and Assistant Secretaries<sup>29</sup> in the Civil Service of Ireland;<sup>viii</sup>
- Chief Executive Officers and Directors of Services in Local Authorities.

Communications made on a relevant matter are oral or written communications which relate to:<sup>21</sup>

- the development or modification of public policy;
- the making or amendment of any primary or subordinate legislation;
- the awarding or agreement of financial support, government contracts, licensing or any other authorisation involving public funds.

Regulated lobbyists are required to confirm that no regulated lobbying has taken place if they have not made a communication on a relevant matter to a designated public official during a reporting period.<sup>21</sup> The Irish Lobbying Act also sets out communications that are exempt and therefore not regulated lobbying. Exempt communications include those:<sup>21</sup>

- relating to an individual's private affairs;
- made on behalf of a foreign country or an international intergovernmental organisation;
- made by designated public officials or public bodies for factual information;
- relating to employment negotiations by trade unions on behalf of its members;
- where disclosure risks the safety of any person or the security of the State.

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vi Ministers of State refers to a junior Minister in the Government of Ireland.

vii The Oireachtas Éireann is the Parliament of Ireland.

viii These positions reflect the most senior and second most senior grades of civil servants in departments of the Government of Ireland.

The Irish Lobbying Act provides for the Standards in Public Office Commission to produce a code of conduct for regulated lobbying.<sup>21</sup> There are also restrictions on certain public officials seeking to carry out lobbying activities following vacation from office in the Irish Lobbying Act. Such provisions are sometimes known as "cooling-off" or "revolving door" provisions.<sup>30</sup> Former Ministers, Special Advisors and senior civil servants must not carry out lobbying activities for one year after leaving office or employment.<sup>21</sup>

The Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act ("the 2023 Irish Lobbying Act") was signed into law by the President of Ireland on 23 June 2023.<sup>20</sup> The provisions of the 2023 Irish Lobbying Act are not yet in force.<sup>20</sup> The 2023 Irish Lobbying Act expands the definition of who may be considered a lobbyist to include advocacy and representative bodies without any employees.<sup>20</sup> These bodies will be required to include the names of each individual or member lobbying on its behalf on the Register of Lobbying and in each information return.<sup>20</sup> The 2023 Irish Lobbying Act also expands the enforcement scheme to include sanctions for actions that amount to avoidance and circumvention of the requirements to disclose lobbying activities. The Act also introduces sanctions for breaches of the 12 month "cooling-off period" for former designated public officials.<sup>20</sup>

## Transparency International assessment for lobbying transparency

The Transparency International (TI) Assessment provides a framework to examine the current landscape of lobbying regulations, policies, and practices in national and sub-state regions. It comprises of 65 indicator questions categorised into three dimensions (or themes): transparency, integrity, and equality of access. These dimensions are nuanced further by 10 sub-dimensions (see [Table 1](#)). A score of 0 (no points), 1 (partial points), or 2 (full points) is assigned to each indicator depending on the available legislation and practices in the country being assessed (in this case, Scotland). The scores from each indicator can then be added together to obtain an overall score and a breakdown of performance on the three dimensions and 10 sub-dimensions. Percentage scores are presented to allow for comparison of overall scores, dimension scores, and sub-dimension scores.

**Table 1: Dimensions of a comprehensive lobbying system**

The table shows the dimensions of a comprehensive lobbying regulation system set out in the Transparency International Assessment Questionnaire methodology note.

Transparency	Integrity	Equality of Access
1. Access to public information, via freedom of information (FOI) regimes	5. Pre and post-employment restrictions to reduce risks associated with the revolving door between the public and private sector	9. Consultation and public participation mechanisms
2. Lobbyist registration systems	6. Codes of conduct for public sector employees	10. Expert and advisory group composition and policies
3. Oversight of registration system and sanctions for non-compliance	7. Codes of ethics for lobbyists	
4. Pro-active disclosure by public officials, including legislative footprint	8. Self-regulation by lobbyist associations	

Transparency International, 2015<sup>9</sup>

## Summary of scores from the Transparency International Assessment

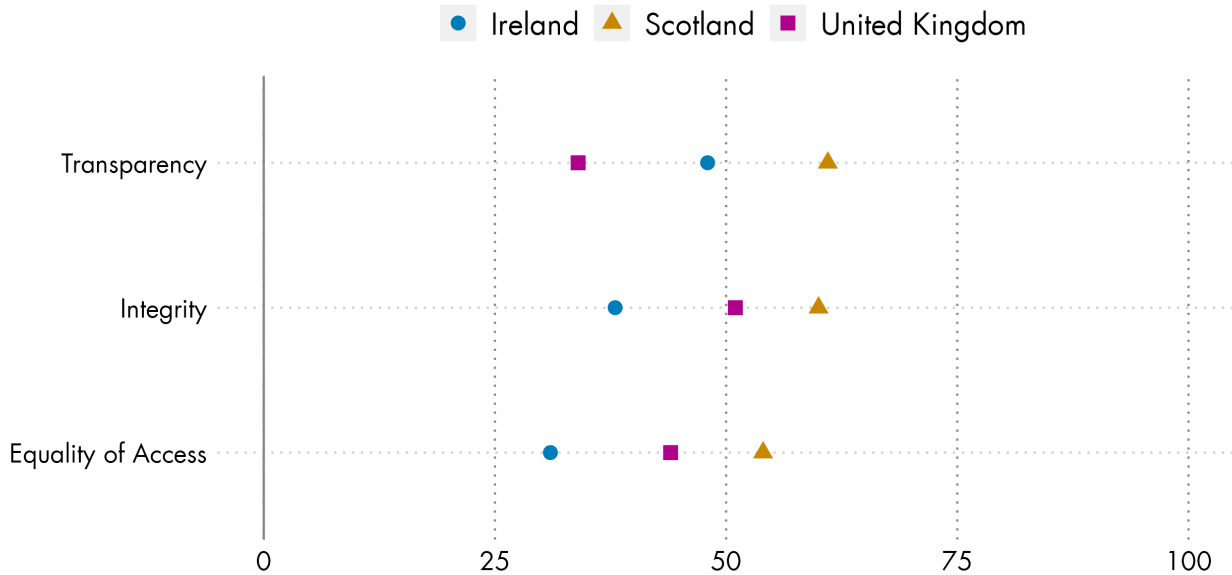
The Act and the public transparency framework in Scotland obtained an overall score of 64% (or 78 out of 122 points) on the TI Assessment. TI reported in 2015 that countries assessed on this measure had an average score of 31%.<sup>11 ix</sup>

Figure 1 shows the percentage score given for Scotland on each dimension of the TI Assessment. The regulatory and standards framework for lobbying disclosure in Scotland was assessed as better than comparator countries, the UK and Ireland, on transparency, integrity, and equality of access.

ix The assessment raters in this evaluation were specialists in parliamentary functions and standards at the Scottish Parliament.

**Figure 1: The Lobbying (Scotland) Act performs better than the lobbying laws in the United Kingdom and Ireland on measures of transparency, integrity and equality of access**

The chart shows the percentage score for Scotland, the United Kingdom and Ireland on each dimension of the Transparency International assessment.

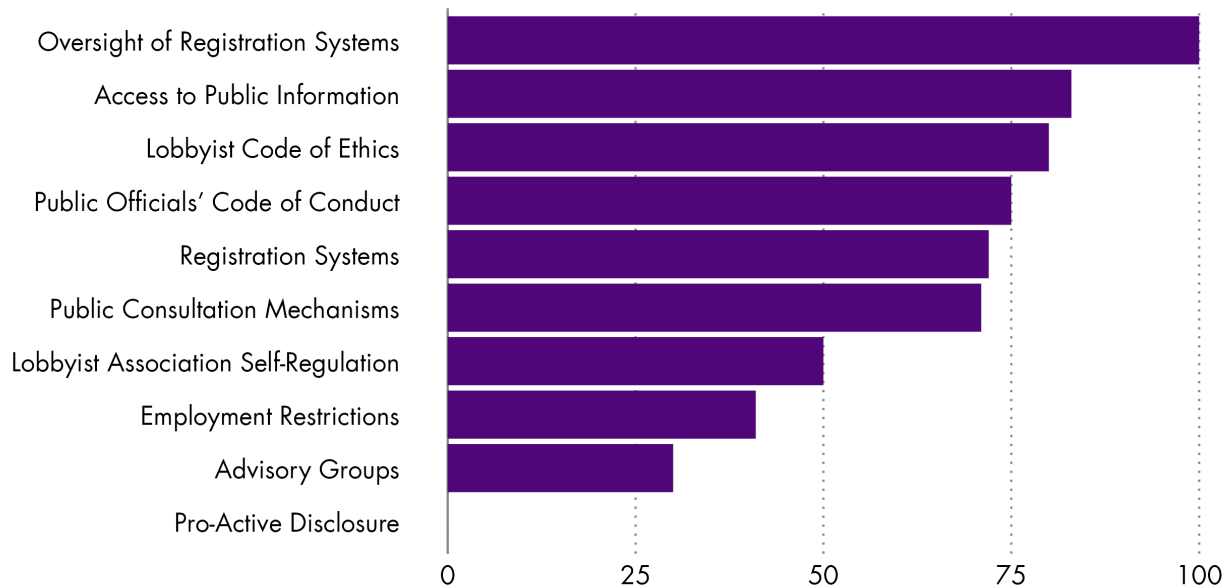


SPICe

Figure 2 shows the percentage score given for the regulatory framework in Scotland on each sub-dimension of the TI Assessment. The Act and related legislation performs particularly well on indicators assessing the oversight of registration systems (i.e., the Lobbying Register) and indicators assessing access to public information (e.g., Freedom of Information (Scotland) Act 2002). The Act performs poorly on the sub-dimension assessing the extent to which elected representatives and public officials (e.g., civil servants, parliamentary officials) are required to pro-actively disclose lobbying and stakeholder contacts. For example, the dimension assessed whether there are requirements for legislators to publish diaries and whether there are requirements for public officials to produce annexes to legislation on the stakeholder engagement undertaken in the legislative process.

## Figure 2: The Lobbying (Scotland) Act 2016 met all the criteria for best practice in oversight of the lobbying registration system and sanctions for non-compliance

The chart shows the percentage score for Scotland on each sub-dimension of the Transparency International assessment of lobbying laws.



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The complete set of scores on each question sorted by dimension and sub-dimension can be found in [Annex 1.1.2](#).

## Analysis of dimensions: transparency, integrity and equality of access

The analysis of dimensions identifies and explains the legislation, policies and practices (or lack thereof) underpinning the scores for Scotland on each dimension and sub-dimension of the TI Assessment.

### Transparency

The transparency dimension assesses the extent to which members of the public can access information held by public bodies and information held about lobbying activities.<sup>11</sup> The regulatory environment in Scotland received a score of 61% on this dimension compared to an average (based on 19 other European countries) of 26%. The UK and Ireland received transparency scores of 34% and 48%, respectively.<sup>11</sup>

The following sections appraise and explain the scores given for each transparency sub-dimension. The four transparency sub-dimensions are:

- access to public information;
- lobbyist registration systems;
- oversight of registration systems;

- pro-active disclosure and legislative footprint.

### *Access to public information*

The access to public information sub-dimension assessed three indicators to evaluate freedom of information, public sector transparency and its relation to lobbying laws.<sup>9</sup> The score for Scotland on this sub-dimension was 83%.

The sub-dimension explored the extent to which information laws facilitate rights to public sector information and data.<sup>9</sup> The regulatory environment in Scotland received full points for this item because Scotland has a comprehensive freedom of information law in place. The Freedom of Information (Scotland) Act 2002 (FOISA) gives a right of access to recorded information.<sup>17</sup> Under FOISA, a person who requests information from a public authority in Scotland is entitled to be given the information within 20 working days, subject to some conditions and exemptions.<sup>17</sup>

The regulatory environment in Scotland also received full points for an indicator assessing the extent to which information laws apply to lobbying data. Public authorities under FOISA are not required to register with the Lobbying Register but if a member of the public sought information on lobbyists' contacts with public authorities then this information could be accessed under FOISA.<sup>17</sup> The Scottish Parliament is also a public authority under FOISA and thus lobbying data held by the Lobbying Register is subject to FOISA.<sup>17</sup>

The regulatory environment in Scotland received partial points for an indicator assessing the ease of access to information on public sector activities. The assessment rater indicated that in practice it is not always straightforward to access information from public authorities. This may be because a requester does not always receive information requested under FOISA if an exemption can be applied.<sup>17</sup> Some organisations are only subject to FOISA for certain functions (e.g., registered social landlords) and this means requesters can only have access to information if it relates to those specific functions.<sup>17</sup> Similarly, individual MSPs are not public authorities under FOISA and therefore individuals may not be able to access information about their external activities using information laws.<sup>17</sup>

Overall, the framework for lobbying and information transparency in Scotland performs well on the access to public information indicator. Ease of access was the only area where the regulatory environment falls short of the best practice standard set by the TI Assessment.

### *Lobbyist registration systems*

The sub-dimension on lobbyist registration systems consists of 15 indicators considering how lobbying activity is captured. The score for the Act on this sub-dimension was 73%.

The indicators assessed whether the law clearly defines lobbyists and if it broadly defines lobbying targets across legislative and executive branches, advisors, and senior government officials.<sup>9</sup> The sub-dimension also looked at the precise definition of lobbying activities and the existence of a lobbyist register.<sup>9</sup> Other aspects of lobbyist registration systems that are captured across the sub-dimension include:<sup>9</sup>

- the timeliness of registration and reporting;
- the availability and format of disclosed information;
- disclosure of personal details, employment details, and lobbying objectives;
- disclosure of lobbying expenditure, political donations, and 'in-kind' contributions.

The first indicator on this sub-dimension assesses the definition of lobbyist in relevant legislation. The Act received no points for this indicator because there is no definition of lobbyist in the legislation. Instead, there is a definition of regulated lobbying which covers the circumstances in which an individual makes a request. There are other lobbying systems, such as the Register of Lobbying in Ireland, that adopt this approach whereby the actor conducting the lobbying is not defined but the activities considered to be lobbying are.<sup>21</sup> The inclusion of a definition of lobbyist in the Act may therefore be an area where the score on the assessment does not reflect the broader purpose and intention of the legislation. To receive full points on this indicator, TI require that:

“ The law clearly and unambiguously defines lobbyists to include professional lobbyists, public affairs consultancies, and representatives from NGOs, corporations, industry/professional associations, trade unions, think tanks, law firms, faith-based organisations, and academics.”

Transparency International, 2015<sup>9</sup>

Most of the aforementioned bodies are included in the Act by virtue of the lobbying activities they conduct. This is recognised by another question (on which the Act received full points) that asked to what extent the register is able to capture the lobbying activities of all of the aforementioned bodies. All of the aforementioned types of organisations are captured on the Lobbying Register (unless exempt due to the size of the organisation).<sup>2</sup>

The extent to which lobbying targets are identified in the Act was another indicator that only received partial points because sub-state representatives (i.e., Councillors in local authorities), regulatory bodies, and private organisations performing public services are not within the scope of the Act. All other lobbying targets specified in the assessment were selected. These included members of the executive (i.e., the Scottish Government), national legislators (i.e., MSPs), special advisors (in the Scottish Government), and senior public officials (i.e., the Permanent Secretary to the Scottish Government). The Act is intended to capture lobbying activity in the Scottish Parliament and the Scottish Government rather than all lobbying activity in Scotland. Therefore, this may be an item where the score does not reflect the broader policy objectives of the Act. The extension of the Act to local authorities and regulatory bodies may be an area for future consideration but remains beyond the scope of this evaluation.

The Act received full points for having a lobbying register, having it in an open format, and for lobbyists' broad compliance with the obligations of the Act. The Act also received full points for requiring that lobbyists provide sufficient rather than basic information (i.e., returns include information on who they are lobbying, what they are advocating, the type of engagement, and when the lobbying took place).

However, the Act's definition of lobbying or lobbying activities was considered too narrow and only received partial points. This is likely due to the stipulation that only face-to-face interactions are regulated lobbying under the Act. The assessment required that the definition met the following standard to receive full points:

“ Definition is clear and unambiguous and is comparable to the following international standard: any contact (written or oral communication, including electronic communication) with lobbying targets for the purpose of influencing the formulation, modification, adoption, or administration of legislation, rules, spending decisions, or any other government program, policy, or position.”

Transparency International, 2015<sup>9</sup>

The timing of registration and reporting was also assessed on this sub-dimension.

Lobbyists are required to register within 30 days of regulated lobbying. <sup>2</sup> This is a substantial lag compared to the 10 days proposed by TI. <sup>9</sup> Similarly, TI indicates best practice is to report on a quarterly basis as a minimum, which is a more frequent than the Act's requirement of every 6 months. <sup>2</sup>

The lack of provisions mandating the disclosure of lobbying expenditure, donations to political parties, and "in-kind" contributions by lobbyists was assessed as a gap in the regulatory framework. There are no provisions in the Act mandating that lobbyists disclose expenditure on lobbying or "in-kind" contributions. However, some of this information is likely to be captured elsewhere. For example, the Political Parties, Elections and Referendums Act 2000 requires that candidates and political parties disclose campaign donations made to them. <sup>15</sup> There is also guidance on "in-kind" contributions in the Code of Conduct for lobbying MSPs, which states:

“ If lobbying an MSP, you should not offer any payment or benefit in kind which would involve an MSP (or members of their staff) acting as paid advocates on your behalf. Paid advocacy is prohibited by the Interests of Members of the Scottish Parliament Act 2006.”

The Scottish Parliament, 2017<sup>31</sup>

### *Oversight of registration systems*

The sub-dimension on oversight and enforcement of lobbying regulations received a score of 100%. This is because the Lobbying Register meets all the criteria of being a mandated and resourced oversight entity responsible for managing lobbyist registration, providing guidance, and monitoring disclosures. The Ethical Standards Commissioner complaints mechanism and provision for penalties (e.g., the power to censure lobbyists) also supported the assessment of best practice on this sub-dimension. <sup>2</sup>

### *Pro-active disclosure and legislative footprint*

The sub-dimension on pro-active disclosure received a score of 0%. This sub-dimension assessed the extent to which public officials and elected representatives are required to disclose interactions and meetings with stakeholders as part of the legislative process. <sup>9</sup>

The requirements of the Act place the onus on registered organisations (rather than elected representatives) to disclose lobbying activities. Legislators and senior public officials are not required to publish their calendars in order to share information about their contacts with lobbyists. However, there are provisions in the Scottish Ministerial Code which mean disclosure of Ministers' external meetings on a quarterly basis does happen in



practice.<sup>32</sup> Similarly, information about senior public officials' contacts with lobbyists may be accessible under FOISA information rights.

The publication of a "Legislative Footprint" as an annex to legislative records is also not required under the Act. However, summaries of call for views and the submissions of stakeholders are likely to be referenced in Committee reports published as part of the legislative process. Pro-active disclosure and specifically publication of calendars is discussed in the section on [areas for further consideration](#).

## Integrity

The integrity dimension assesses the extent to which the lobbying transparency system sets and enforces behavioural standards for lobbyists and lobbying targets.<sup>11</sup> Scotland received a score of 60% on this dimension compared to an average (based on 19 other European countries) of 33%. The UK and Ireland received integrity scores of 51% and 38%, respectively.<sup>11</sup>

The following sections appraise and explain the scores given for each integrity sub-dimension. The four integrity sub-dimensions are:

- employment restrictions;
- public officials' code of conduct;
- lobbyist code of ethics;
- self-regulation by lobbyist associations.

### *Employment restrictions*

This sub-dimension assessed employment restrictions for former MSPs and senior government officials.<sup>9</sup> The sub-dimension received a score of 41%.

The lack of provisions for "cooling off" periods and moratoria on lobbying activity following vacation of office was identified as a gap in provisions in the Act. The assessment also indicated that former members of the Parliament can move "easily and directly into the lobbying sector".<sup>9</sup> Two cases involving former MSPs were cited in support of this assessment.<sup>33 34</sup>

The cooling off mechanisms are mostly advisory in Scotland (and the UK). This meant only partial points could be awarded because most mechanisms are on a non-statutory footing. For example, the Advisory Committee on Business Appointments (ACOBA) is a non-statutory body that considers the applications of Ministers and senior civil servants seeking to take up employment outside of government.<sup>35</sup> ACOBA considers whether the proposed employment is in compliance with business appointment rules. The business appointment rules for Ministers have a guidance note specifically on the issue of lobbying which states:

“ As a general principle, there will be a two-year ban on former Ministers lobbying Government after they leave office. This means that a former Minister should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office. This does not prohibit contacts, including at a social or party political level which is unrelated to such lobbying. The Advisory Committee may reduce the two-year lobbying ban if they consider this to be justified by the particular circumstances of an individual application. ”

UK Government Cabinet Office, 2016<sup>36</sup>

The Scottish Ministerial Code also prohibits lobbying for former Scottish Ministers. Paragraph 11.25 states:

“ On leaving office, Ministers will be prohibited from lobbying Government for two years. They must also seek advice from the independent Advisory Committee on Business Appointments about any appointments or employment they wish to take up within two years of leaving office.”

The Scottish Government, 2023<sup>32</sup>

The Irish Lobbying Act is an example of where there are strong legal provisions preventing former Ministers, Special Advisors, and senior civil servants from carrying out lobbying activities for one year after leaving office.<sup>21</sup> These provisions were recently strengthened by the 2023 Irish Lobbying Act which introduces sanctions for breaches of the cooling off period.<sup>20</sup>

### *Public officials' code of conduct*

The sub-dimension focused on ethical and responsible lobbying considerations within public sector codes of conduct.<sup>9</sup> The Code of Conduct for Scottish Parliament staff and the Civil Service Code received a score of 75% on this sub-dimension.

The assessment included indicators assessing whether the codes specify standards for public officials in their communication with interest groups, addressing conflicts of interest, handling gifts and hospitality issues, and managing declarations of interest.<sup>9</sup> It also considered the existence and robustness of a complaints mechanism to report code of conduct violations and the presence of training programmes for public officials on integrity issues.<sup>9</sup>

The Constitutional Reform and Governance Act 2010 ("the 2010 Act") requires the publication of a Civil Service code of conduct ("the Civil Service Code").<sup>37</sup> The 2010 Act also allows for the Scottish Government to formulate and publish its own code of conduct for civil servants.<sup>37</sup> The provision for a separate code of conduct for civil servants in the Scottish Government has not yet been taken up. Therefore, civil servants working in the Scottish Government must adhere to the UK-wide code due to the statutory requirement for a code of conduct and for it to form part of the terms and conditions of service.<sup>37</sup>

The Civil Service Code (and associated guidance) requires that civil servants declare all relevant outside interests, including financial interests, on an ongoing basis.<sup>38</sup> The Civil Service Code also contains provisions that address the standards of propriety for civil servants handling gifts and hospitality issues.<sup>38</sup> This is also the case for the Code of Conduct for Scottish Parliament Staff.<sup>39</sup> As a result, the standards framework governing the conduct of public officials in Scotland successfully satisfied all the TI Assessment criteria concerning the handling of conflicts of interest, gifts and hospitality, and asset declaration issues.

The standards framework for public sector officials received partial points on indicators relating to how lobbying is addressed in the Civil Service Code and approaches to training on integrity issues. The Civil Service Code is comprehensive in setting out principles of the Civil Service (e.g., honesty, objectivity) and standards for behaviour, including in how public officials' should keep accurate records as far as possible within the confines of the law.<sup>38</sup> However, the Civil Service Code does not specifically address the documentation of communications with interest groups.<sup>x</sup> This is in line with the Act (and the UK Lobbying Act) which places the responsibility on those undertaking the lobbying to disclose their participation in lobbying activities.

Partial points were granted for there being a complaints mechanism to report violations of the Civil Service Code. Civil servants can make a complaint to the Civil Service Commission if they become aware of a violation or if they believe they are being required to act in a way that conflicts with the Civil Service Code.<sup>41</sup> This system is not linked to the complaints system available to members of the public. Members of the public can lodge complaints directly with the Scottish Government for initial resolution.<sup>42</sup> If a member of the public finds the initial resolution unsatisfactory, the individual has the option to request an investigation.<sup>42</sup> Should the complaint persist and remain unresolved, individuals may escalate the matter to the Scottish Public Services Ombudsman for further examination.<sup>42</sup>

There were no indicators receiving zero points on this sub-dimension.

### *Lobbyist code of ethics*

The indicators in this sub-dimension evaluate the presence and comprehensiveness of a code of conduct for lobbyists and the existence of sanctions for non-compliance.<sup>9</sup> This sub-dimension received a score of 80%.

The Code of Conduct for persons lobbying MSPs is a requirement of the Act.<sup>2 43</sup> The statutory footing of the code of conduct allowed partial points to be awarded. However, the TI Assessment requires that the code of conduct, not just the lobbying regulations, contains sanctions to meet its standard of best practice.<sup>9</sup> The Act received full points for a separate indicator in this sub-dimension which was broader in scope and assessed the extent to which sanctions can be applied to lobbyists for non-compliance with lobbying regulations.

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x There are provisions for lobbying in section 5 of the MSPs' Code of Conduct but an elected representatives' code of conduct is not within the scope of this sub-dimension.<sup>40</sup>

Full points were also granted for the indicator assessing whether there is a comprehensive complaint mechanism that enables both policymakers and citizens to report violations of lobbying regulations. Anyone can make a complaint about a lobbyist under the Act to the Ethical Standards Commissioner.<sup>2</sup>

There were no indicators receiving zero points on this sub-dimension.

### *Self-regulation by lobbyist associations*

The indicators on this sub-dimension evaluate the practice of self-regulation by lobbyist associations.<sup>9</sup> Specifically, the indicators examine whether the codes include specific behavioural principles to guide lobbyists away from unethical situations. The sub-dimension also looked at the extent to which these self-regulatory codes require lobbyists to publicly disclose their lobbying activities, prohibit simultaneous employment as a lobbyist and a public official, and provide complaint mechanisms for reporting violations.<sup>9</sup> This sub-dimension received a score of 50%.

The Association for Scottish Public Affairs (ASPA) code of conduct was referenced in most comments on the indicators in this sub-dimension.<sup>44</sup> The existence of this code of conduct meant that partial points were granted for the indicator assessing whether professional associations for lobbyists in the the jurisdiction set standards for ethics and behaviour of members. The ASPA code of conduct explicitly forbids the employment of public officials as lobbyists and as such the indicator assessing this was granted full points.<sup>44</sup> In addition, the ASPA code of conduct makes explicit reference to the expectation that members abide by the guidance of the Scottish Parliament's Lobbying Register and the terms of the Act.<sup>44</sup> This permitted the allocation of partial points on the indicator assessing the extent to which the self-regulatory code requires lobbyists to publicly disclose the identity of who they are representing and what they are lobbying for.  
44

### **Equality of access**

The equality of access dimension assesses the extent to which there is diverse participation in the policymaking process and whether there is evidence that ideas are contributed by a wide range of interests.<sup>11</sup> Scotland received a score of 54% on this dimension compared to an average (based on 19 other European countries) of 33%.<sup>11</sup>

The following sections appraise and explain the scores given for each equality of access sub-dimension. The two sub-dimensions are:<sup>11</sup>

- public consultation mechanisms
- advisory groups.

#### *Public consultation mechanisms*

This sub-dimension focused on evaluating the mechanisms for consultation and public participation within the legislative process in Scotland.<sup>9</sup> It examined the legal

requirements and framework for allowing citizens, the public, corporations, and civic organisations to provide input to the Parliament.<sup>9</sup> The assessment of public consultation mechanisms received a score of 83%.

Full points were granted to four out of the six indicators on this sub-dimension. These indicators assessed the transparency of public consultations. Calls for views and consultations are generally open to every member of the public and a summary of views is usually provided. The Standing Orders of the Scottish Parliament also mandate that consultation information is supplied in the Policy Memorandum accompanying Government Bills.<sup>45</sup> There is also clear guidance from the Scottish Government on how it ensures equal participation in the consultation process for affected groups and stakeholders.<sup>46</sup>

All forms of public participation suggested by the assessment were selected as being routinely used in consultation methods. These methods included:

- informal consultation with selected groups;
- broad circulation of proposals for comment;
- public notice and calling for comment;
- public meetings;
- publishing proposals online;
- advisory and expert group input.

Areas where partial points were awarded related to whether there are provisions that require public authorities to explain how they have considered submissions from the public in decision-making processes.

There were no indicators receiving zero points on this sub-dimension.

### *Advisory groups*

The final sub-dimension assesses policies on the use of advisory and expert groups in the policymaking process.<sup>9</sup> The sub-dimension examined whether there is a legal obligation to ensure a balanced representation of private sector and civil society in these groups.<sup>9</sup> A total score of 30% was awarded.

The lower score on this sub-dimension can be attributed to the lack of regulation of expert and advisory groups. Communications made in these groups are also likely be exempt from the Act given the groups would be formed at the request of the Government or a Parliamentary Committee.<sup>2</sup>

The sub-dimension performed well on indicators assessing the transparency of the outputs from advisory groups. Advisory group minutes are routinely published by the Scottish Government (e.g., Retail Industry Leadership Group hosted by the Scottish Government published its minutes from a meeting held on 29 June 2023).<sup>47</sup> The basis for publishing these documents could be due to proactive publication under FOISA or transparency

publications under the Scottish Ministerial Code.<sup>17 32</sup>

## Center for Public Integrity Analysis of Lobbying Disclosure Laws

The CPI Index covers similar dimensions to the TI Assessment. However, there are key differences. The share of scores in the CPI Index places more emphasis on disclosing spending on lobbying and less emphasis on the wider standards systems (e.g., codes of conduct for public officials and the composition of advisory groups). The CPI comprises of 48 indicators categorised into eight dimensions:

- definition of lobbyist;
- individual registration (i.e., whether lobbyists have to register and submit returns);
- individual spending disclosure (i.e., whether individual lobbyists have to disclose spending on lobbying);
- employer spending disclosure (i.e., whether consultant lobbyists have to disclose spending on lobbying);
- electronic filing of lobbying activity;
- public access to a registry of lobbyists;
- enforcement of lobbying disclosure laws;
- revolving door provisions (i.e., restrictions on public officials seeking to carry out lobbying activities following vacation from office).

### Summary of scores from the Center for Public Integrity Analysis of Lobbying Disclosure Laws

The Act obtained an overall score of 35% on the CPI Index. This means the provisions of the Act are categorised as a lobbying system with medium robustness.<sup>xi 48</sup> The overall scores for the UK and Ireland are 33% and 37%, respectively.<sup>23</sup>

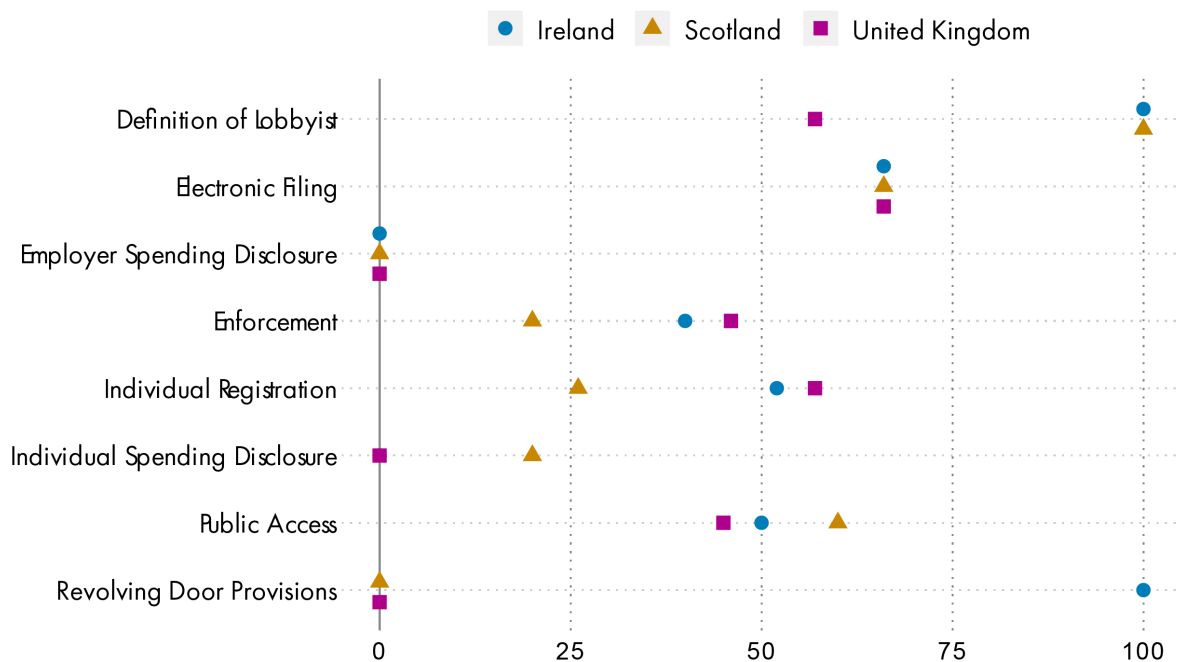
Figure 3 shows the percentage score given for Scotland on each dimension of the CPI Index. The regulatory framework for lobbying disclosure in Scotland performs well on indicators assessing the definition of lobbyist and was assessed as better than comparator countries, the UK and Ireland, on measures of public access.

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xi Chari and colleagues (2019) classify CPI Index scores exceeding 60% as high robustness, scores between 30% and 59% as medium robustness, and below 29% as low robustness.<sup>48</sup>

### Figure 3: The Lobbying (Scotland) Act 2016 captures a wide range of lobbyists and outperforms the UK and Ireland on public access to the Lobbying Register

The chart shows the percentage score for Scotland, Ireland and the United Kingdom on each sub-dimension of the Center for Public Integrity Index.



SPICe, Keeling, 2017<sup>23</sup>

## Analysis of dimensions: essentials of lobbying disclosure laws

The following sections provide a complete analysis of the scores on each dimension of the CPI Index. The analysis identifies and explains the legislation, policies and practices (or lack thereof) underpinning the score for Scotland on each dimension.

### Definition of lobbyist

The Act received a score of 100% on the dimension assessing the definition of lobbyist. The Act does not have a definition of lobbyist.<sup>2</sup> However, full points were awarded because the indicator was relatively flexible and could be applied to the definition of regulated lobbying in the Act. Specifically, the indicators required the definition to apply when the lobbying target is a member of the Scottish Government and when the lobbying target is a member of the Scottish Parliament. Full points were also awarded because there is no exemption to the definition based on how much the lobbyist spends. Lobbyists must register and submit returns regardless of how much money is spent and regardless of whether any money is made from lobbying activities.<sup>2</sup>

### Individual registration

The Act received a score of 26% for its provisions on registration of individual lobbyists.

The lower score on this dimension can be attributed to the practice of registering

organisations on the Lobbying Register rather than registering all of the individuals conducting lobbying activities within an organisation. The registration and reporting timescales in the Act also did not meet the CPI Index standards. The CPI Index suggests that registration of a lobbyist (and any changes to registration) should happen within 15 days of the first instance of regulated lobbying and ideally before the lobbyist conducts any lobbying activities.<sup>10</sup> This is in contrast to the Act which requires that individuals or organisations are registered within 30 days of conducting regulated lobbying.<sup>2</sup>

Areas where the Act performed well on this sub-dimension were:<sup>2</sup>

- the lack of expiry date for registration on the Lobbying Register;
- the requirement for lobbyists to apply to be made inactive if they stop engaging in regulated lobbying;
- the use of nil returns to confirm no regulated lobbying took place;
- the requirement to identify the type of lobbyists (e.g., consultant lobbyist) and the third party they are lobbying for.<sup>2</sup>

Partial points were awarded on an indicator assessing whether the subject matter of the lobbying communication is required in a return to the Lobbying Register. The inclusion of both a Bill number and a description of the subject matter in the communication is regarded as best practice on the CPI Index.<sup>9</sup> There are many examples on the Lobbying Register where the names of Bills and Scottish Statutory Instruments are included in returns. However, this is not a mandated requirement and thus did not meet the full criteria for tracing legislative footprints.

The Act received no points for an indicator assessing whether photographs of lobbyists are available on the Lobbying Register. This may be an example where the scoring does not reflect the stringency of the provisions in Scotland. The requirement for photographs in the assessment is because some jurisdictions distribute sponsored access passes to lobbyists.<sup>10</sup> There are arrangements for access passes to the Scottish Parliament for the media but this scheme is not available to lobbyists.<sup>49</sup> The Association for Scottish Public Affairs also do not approve of such access, with its code of conduct stating that its members:

“ shall not allow any member of their organisation involved in public affairs work to hold a pass entitling them to gain access to local, national or devolved governments or parliaments, other than the holding of a temporary visitor’s pass.”

Association for Scottish Public Affairs, 2023<sup>44</sup>

## Individual spending disclosure

The individual spending disclosure dimension assessed whether individual lobbyists have to file lobbying expenditure reports and whether there are statutory provisions for reporting campaign donations. This dimension received a score of 21%.

This score was limited by the lack of provisions in the Act for disclosing spending on lobbying. Most of the points available came from provisions in other legislation (e.g.,



Political Parties, Elections and Referendums Act 2000 and the Interests of Members of the Scottish Parliament Act 2006) where there are substantive requirements on the disclosure of gifts, donations, and hospitality.<sup>15 50</sup> However, it should be noted that the lobbyist is not required to disclose the gifts, donations and hospitality they they provide. Instead, the responsibility to disclose falls on the political party or MSP receiving the gifts, donations, or hospitality.<sup>15 50</sup>

The Act received no points for indicators assessing:

- requirements to file spending reports;
- regularity and itemisation of spending reports;
- disclosure of spending on specific subject matter (e.g., lobbying for provisions in a Bill);
- reporting of lobbyist salaries;
- spending on household members of elected representatives and public officials;
- disclosure of business associations with elected representatives and political candidates.

### **Employer spending disclosure**

The employer spending disclosure dimension received a score of 0%. The indicators in this dimension assessed whether employers of consultant lobbyists are required to file a spending report that contains the salary or fees paid out to the individual lobbyist. There are no such provisions in the Act.

### **Electronic filing**

The electronic filing dimension assessed the extent to which online registration and reporting was facilitated by the oversight agency (in this case the Lobbying Register).<sup>9</sup> This dimension received a score of 67%.

The Lobbying Register received full points for:

- providing lobbyists with online registration;
- keeping the register available in a searchable and electronic format available to all members of the public;
- providing registrants with support and guidance on how to file registrations and returns.

The indicator on which the Lobbying Register received no points related to lobbyists spending reports being online as there are no provisions for disclosing spending under the Act.

## **Public access**

The Lobbying Register received a score of 60% for its public access provisions.

Areas where the Lobbying Register performed to the CPI Index standards included the means of access and the publication schedule. The Lobbying Register is free to access, located online and in a searchable format with downloading functionality. The Lobbying Register also publishes returns and information on registrants as soon as that information is complete. A related indicator assessing access to registration forms (including sample registration forms and suitable guidance) also met the CPI Index standards.

There were three indicators assessing the extent to which the oversight agency (i.e., the Lobbying Register) publish spending data by reporting deadlines, by year-end, and spending totals by industries. As spending disclosure is not provided for in the Act, no points were awarded on these indicators.

## **Enforcement**

The enforcement dimension assessed whether there are audits of lobbying returns by the oversight agency and whether there are penalties for breaching the reporting requirements of the Act.<sup>9</sup> The overall score on this dimension was 20%. The indicators in this section (particularly those relating to auditing of lobbying returns) may be biased towards the legislative culture of the United States where there is a greater focus on lobbying expenditure.

Indicators relating to spending provisions could not be awarded points because there are no spending disclosure requirements in the Act. There is no body that has been granted the authority to audit returns on the Lobbying Register. There is also no mandatory audit of lobbying returns. The Lobbying Register does produce an annual report and a review was required two years after commencement by the provisions in section 50 of the Act.<sup>2</sup> However, these provisions did not meet the CPI Index criteria for a regular mandatory audit of lobbying returns.

The Lobbying Register has the power to serve information notices and there are statutory penalties for not filing returns.<sup>2</sup> This meant full points were granted for indicators assessing incomplete and incorrect filing. There was also an indicator assessing whether there is transparency on repeat non-compliance. This information is published in the Lobbying Register's annual report data.<sup>51</sup> It is also likely that if a complaint were to be made about a lobbyist that the name of the organisation would be included in the Ethical Standards Commissioner's report given the requirement to provide details of the complaint in that report.<sup>2</sup>

## **Revolving door provisions**

The Act does not contain any revolving door provisions or specify cooling off periods before legislators can register as lobbyists.<sup>9</sup> Therefore, no points were awarded on the dimension assessing revolving door provisions.

## **Summary: How does the Lobbying (Scotland) Act 2016 compare with international best practice?**

The aim of this chapter was to assess whether the Act met published standards for lobbying transparency systems. This chapter also assessed how the Act (and related transparency legislation) compares to countries with similar public transparency frameworks. The findings reported in this chapter indicate that the Act performs well against measures assessing the transparency outcomes of lobbying statutes. The comparative ratings found that the Act and the broader transparency framework in Scotland performs better than the UK and Ireland on the TI Assessment. The Act was rated as a medium-robustness lobbying system on the CPI Index. The comparative scores from the CPI Index indicated lobbying disclosure laws are better than the UK but not as stringent as those in Ireland.

Although the TI Assessment and CPI Index differ in the weight given to aspects of a lobbying transparency system, there was convergence between the two assessments on where Scotland performs well and where there is scope for increased stringency. Areas where the Act and the broader transparency framework perform well are the accessibility of the Lobbying Register, the oversight of lobbying disclosure by the Lobbying Register team, and the provisions for enforcement of lobbying regulations.

The Lobbying Register met the assessment standards for comprising a fully mandated and resourced body that is able to provide meaningful oversight of the lobbying disclosure system. The active role undertaken by the Lobbying Register in clarifying the subject matter of lobbying activity and the existence of a complaints mechanism (overseen by the Ethical Standards Commissioner) were often cited in support of high enforcement performance. There have been no complaints to the Ethical Standards Commissioner (as of the end of the 2022 Annual Report period) suggesting the strength of the oversight by the Lobbying Register may play a role in the enduring high compliance with the Act.

The broader public transparency framework was also a significant factor underpinning high scores on various indicators. The provision of information under FOISA and its application to information about meetings with external groups meant that lobbying activity that does not fall within the scope of the Act has an avenue to be brought into the public domain. The publication of meetings with external groups required by the Scottish Ministerial Code was also identified as good practice relating to pro-active disclosure of lobbying activity and stakeholder engagement. Disclosure of gifts, hospitality and donations is also captured through the broader transparency framework by legislation such as the Political Parties, Elections and Referendums Act 2000 and Interests of Members of the Scottish Parliament Act 2006. The culture surrounding lobbying and public transparency in Scotland was also rated favourably on the assessments. Common reasons cited for high scores were the presence of statutory and voluntary codes of conducts for elected representatives, public officials, civil servants, parliamentary officials and lobbyist membership associations.

### **Public Audit and Post-legislative Scrutiny Committee consideration of legislative reform to the Lobbying (Scotland) Act 2016**

Areas highlighted as gaps in the lobbying transparency framework often converged with areas considered for reform during the post-legislative scrutiny conducted by the Public

Audit and Post-legislative Scrutiny (PAPLS) Committee in Session 5. This section discusses each of the areas that PAPLS Committee identified in the context of the findings from the lobbying transparency assessments.

### **Types of communication**

The PAPLS Committee considered whether the definition of regulated lobbying should be extended to other communications (e.g., all written and oral communications).<sup>5</sup> The PAPLS Committee report sets out its view on the extension of communications and states:

“

- 110. 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 videoconferencing. 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.”
- 111. The Committee notes, in particular, the evidence provided in response to its draft report which pointed to an increased number of phone calls made by Ministers with organisations which could conceivably be carrying out lobbying activity as a result of the Covid-19 pandemic. As such, the Committee considers that in order to increase openness and transparency, subject to the findings of the impact assessment, there may be grounds for extending the Act to phone calls.”

The Scottish Parliament Public Audit and Post-legislative Scrutiny Committee (Session 5), 2021<sup>5</sup>

The restriction of regulated lobbying in the Act to communications made face-to-face (or on a videoconferencing platform) was one area identified by the TI Assessment as not meeting international standards. The TI Assessment regards the international standard as:

“ any contact (written or oral communication, including electronic communication) with lobbying targets for the purpose of influencing the formulation, modification, adoption, or administration of legislation, rules, spending decisions, or any other government program, policy, or position.”

Transparency International, 2015<sup>9</sup>

The Irish Lobbying Act is similar to the Scottish legislation in how it defines regulated lobbying. However, the Irish Lobbying Act accounts for all written and oral communications meaning both phone calls and correspondence are accommodated on the Irish Lobbying Register.<sup>21</sup> As such, this is one area where the Irish Lobbying Act aligns more closely than the Scottish Act to international standards.

### **Extension of the people considered lobbying targets**

The inclusion of both members of the Scottish Government and members of the Scottish Parliament as targets of lobbying was identified as best practice by both the TI Assessment and the CPI Index. It was also an area where the Act was assessed as more

stringent than the UK Lobbying Act because it included both the Executive and the Legislature.

The PAPLS Committee considered the extension of people considered lobbying targets under the Act during its post-legislative scrutiny.<sup>5</sup> The Committee indicated additional information on the inclusion of civil servants was required in order to make a conclusive recommendation.<sup>5</sup> The PAPLS Committee report states:

“

- 173. 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. Whilst the Committee is not necessarily persuaded by those who suggest that extending the Act to cover civil servants would risk politicising them, it considers that more information is required through the impact assessment before a conclusion is reached on whether an extension to this kind of decision maker is required.”

The Scottish Parliament Public Audit and Post-legislative Scrutiny Committee (Session 5), 2021<sup>5</sup>

With regards to civil servants, the TI Assessment only requires "high level public officials" to be included in the lobbying statutes in order to be assessed as good or best practice.<sup>9</sup> The inclusion of the Permanent Secretary of the Scottish Government in the Act means this criteria was fulfilled. The TI Assessment placed more weight in its scoring rubric on the existence of civil service codes of conduct and behavioural standards for civil servants in managing contacts with lobbyists.<sup>9</sup> Therefore, the extension to civil servants may not necessarily improve the transparency outcomes measured by TI Assessment and CPI Index.

That said, there are examples of where more categories of civil servant are included in lobbying statutes as potential lobbying targets. For example, the Irish Lobbying Act includes the most senior and second most senior grades of civil servants in departments of the Government of Ireland.<sup>21</sup> This is supported by an additional transparency provision in the Irish Lobbying Act where civil servants' names and contact details are published online if they are a designated public official (i.e., a lobbying target under the Irish Lobbying Act).<sup>21</sup>

## **Proactive disclosure and publication of diaries**

The TI Assessment highlighted proactive disclosure of contacts with lobbyists by senior public officials and elected representatives as an area for consideration. The Act places the requirements to disclose lobbying communications on registered organisations rather than elected representatives and public officials.<sup>2</sup> However, the TI Assessment suggests that requirements to proactively disclose lobbying contacts should also apply to senior public officials and elected representatives.<sup>11</sup> Transparency International set out its reasoning in its report on the lobbying statutes of 19 European countries.<sup>11</sup> The report states:

“ It is increasingly recognised that access to information in a reactive form is not enough to build a culture of openness about public decision-making. Few dispute that, while lobbyists bear responsibility for their actions, the primary onus for transparency is on public officials and representatives: those who are accountable to the citizenry and have a duty to act, and be seen to act, in the open and with integrity. Public officials and institutions should, therefore, be required to pro-actively publish information on how decisions are made, which meetings they hold with various individuals and groups, what documentation is submitted in attempts to influence them, and who they invite to sit in an advisory capacity on various expert groups.”

Mulcahy, 2015<sup>11</sup>

The publication of diaries was also considered by the PAPLS Committee during its post-legislative scrutiny. The Committee indicated that it did not support the publication of elected representatives' diaries. The PAPLS Committee report states:

“

- 117. 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. The Committee further notes the responses to its draft report on this matter. However, it remains of the view that publication of diaries raises potential issues in relation to data protection. Therefore, 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.”

The TI Assessment indicates that disclosure requirements on public officials and elected representatives need only pertain to meetings with lobbyists in order to be assessed as good or best practice.<sup>9</sup> Therefore, a more limited provision than publication of MSPs' diaries in their entirety could be considered to improve transparency outcomes of the Act.

The accessibility of information under FOISA is another area for consideration with regards to proactive disclosure. MSPs are not public authorities under FOISA.<sup>17</sup> However, information about the meetings of civil servants and senior public officials with external parties could be accessible in this way (if a relevant exemption under FOISA does not apply).<sup>17</sup> In addition, civil servants are regularly listed by name in proactive transparency publications relating to the secretariat, attendance and minutes of advisory groups and Ministerial meetings with external parties.

### **Including lobbying expenditure on the Lobbying Register**

The lack of requirements to record lobbying expenditure on the Lobbying Register was identified as a significant gap in transparency provisions by both assessments. There are no provisions for disclosing lobbying expenditure in the Lobbying Register.<sup>2</sup> However, certain lobbying activities (e.g., gifts, donations and hospitality) may be disclosed under other legislation (e.g., the Political Parties, Elections and Referendums Act and the Interests of Members of the Scottish Parliament Act).<sup>15 50</sup>

Benchmark assessments (such as the TI Assessment and CPI Index) do not tend to be prescriptive in how lobbying expenditure should be disclosed. For example, reporting of

lobbyist salaries and reporting estimates of lobbying expenditure in the financial year are both suggested in indicators assessing lobbying expenditure.<sup>9 10</sup> The PAPLS Committee also gave its view on how lobbying expenditure could be disclosed and indicated that inclusion of information on lobbying expenditure should be explored following the evaluation.<sup>5</sup> The PAPLS Committee report states:

“

- 134. 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.”
- 135. 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.”
- 136. While the 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.”

The Scottish Parliament Public Audit and Post-legislative Scrutiny Committee (Session 5), 2021<sup>5</sup>

## Exemptions to regulated lobbying

The Act includes provisions for several exemptions that define activities not considered as "regulated lobbying".<sup>2</sup> The PAPLS Committee conducted an examination of four specific exemptions that had been identified in the Lobbying Register Annual Report 2019 as needing further clarification or guidance on their interpretation and practical application.<sup>5</sup> These exemptions are as follows:<sup>2</sup>

1. Communications to constituency or regional MSPs: the exemption applies when a communication is directed towards a constituency or regional Member of the Scottish Parliament (MSP) representing the area where the person or organisation's activities are ordinarily conducted.
2. Communications for factual information or views: under this exemption, a communication is not classified as "regulated lobbying" if the decision-maker initiates the request for factual information.
3. Communications by small organisations: this exemption is applicable to small organisations with ten or fewer full-time staff members, unless their primary purpose is third-party lobbying.

4. Unremunerated communications: a communication is not considered regulated lobbying if it is made without receiving payment. In essence, individuals who are unpaid for their work, such as volunteers, cannot undertake regulated lobbying within the terms of the Act.

The PAPLS Committee gave its view on legislative changes to the exemptions and stated in its report:

“

- 159. 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.”

The Scottish Parliament Public Audit and Post-legislative Scrutiny Committee (Session 5), 2021<sup>5</sup>

The indicators of the TI Assessment and CPI Index on best practice do not discourage informal consultation (and other activities that may fall under the communications made on request category) so long as public consultation mechanisms are sufficient to document the different views and interests that have been taken into account during the legislative process.<sup>9</sup> Public consultation mechanisms and equality of access was an area where the regulatory framework scored well on the assessments.

There were no exemptions provided for in the Act that were directly evaluated by the assessments. However, there was an indication in the assessments that exemptions based on lobbying expenditure (e.g., only activity above a certain expenditure threshold is registrable) were generally seen as inadequate transparency practice.<sup>10</sup> The recent changes to the Irish Lobbying Act may also be of interest with respect to assessing exemptions for small organisations and unremunerated communications. The 2023 Irish Lobbying Act amends the 2015 Irish Lobbying Act to include representative bodies with no employees within the scope of lobbying requirements.<sup>20</sup> Similarly, an exemption that previously applied to unremunerated office holders (e.g., volunteer board members within an organisation) has been removed, making such communications registrable as lobbying.

20

## Reporting timescales

The PAPLS Committee indicated that it was supportive of changes to the reporting requirements under the Act. The PAPLS Committee report states:



“

- 172. 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...”
- 175. 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 as early as possible in the new session.”

The Scottish Parliament Public Audit and Post-legislative Scrutiny Committee (Session 5), 2021<sup>5</sup>

The assessment findings supported the view of the PAPLS Committee that:

- reporting requirements should start from the first day regulated lobbying takes place (rather than 30 days after);
- lobbying reporting intervals should be shortened from every 6-months to quarterly;
- the reporting schedule should be harmonised across registered organisations (rather than each registrant having a unique reporting date).

## Additional areas for consideration

The lack of revolving door provisions in the Act was identified by both assessments as an area of inadequate practice and an area where the provisions differed significantly to one of its comparators (Ireland).<sup>23</sup> One of the significant shortcomings identified was the absence of statutory cooling off periods following the departure from public office. As Ireland recently strengthened its revolving door provisions, the consideration of statutory cooling off and revolving door provisions may be warranted if this is an area where best practice is desired.<sup>20</sup>

The indicators on these assessments provide estimates of the transparency outcomes of a lobbying disclosure system but they do not necessarily transfer to how those provisions work in practice. The next chapter reports the findings of the analysis of the contents of the Lobbying Register to obtain an understanding of how the reporting duty is working in practice and how the reporting duty is experienced by registered organisations.

# **How is the reporting duty under the Lobbying (Scotland) Act 2016 operating?**

## Key findings: How is the reporting duty under the Lobbying (Scotland) Act 2016 operating?

### Analysis of the Lobbying Register

- The number of registrants on the Lobbying Register, the number of returns on the Lobbying Register, and the intensity at which registered organisations are engaging in regulated lobbying has increased every year since the Act came into force in 2018.
- The following sectors produce the highest number of returns:
  - health and social care
  - equality, social issues, and religion
  - environment and animal welfare
  - public relations and public affairs
  - energy and utilities.
- Most registrants representing charities, trusts and advocacy bodies lobby in the equality, social issues, and religion sector and the health and social care sector.
- Companies were the dominant registrant type in the public relations and public affairs sector, the transport, planning and property sector, and the energy and utilities sector.
- Sole traders and paid individuals could only be associated with the public relations and public affairs sector.
- Individual registrants produce more returns on average in the following sectors:
  - environment and animal welfare
  - agriculture, fisheries, and rural affairs
  - trade unions and third sector representation.
- Charities, trusts and advocacy bodies, representative bodies, and trade unions all produce proportionately more returns relative to their share of registrants on the Lobbying Register.
- Companies and sole traders and paid individuals produce proportionately less returns relative to their share of registrants on the Lobbying Register.

### Compliance with the reporting duty

- Compliance with the Act is high. Most registrants either comply or have a low incidence of repeated breaches.
- No evidence of significant variations in the way in which different types of registered organisations are undertaking their reporting of regulated lobbying

could be identified from the contents of the Lobbying Register.

- No evidence of consistently untoward or unscrupulous lobbying could be identified from the contents of the Lobbying Register.

### **The impact of the reporting duty on registered organisations**

- Registered organisations spend 3.7 hours on average in each reporting period submitting returns and responding to clarifications.
- Charities spend the most time submitting returns to the Lobbying Register compared to other organisation types.
- The majority of registered organisations indicated that the reporting duty is appropriate. Areas where administrative effort is required are largely reported to be in the organisation's internal management of lobbying information.
- Submitting lobbying returns for each instance of regulated lobbying after an event is seen as high effort by a majority of registered organisations.

## **Analysis of registrants and returns on the Lobbying Register**

A full analysis of registrants and returns was conducted to support an assessment of how the Act reporting duty is operating. The findings are set out in four sections:

- registrants on the Lobbying Register;
- returns on the Lobbying Register;
- compliance with the reporting duty;
- content of the Lobbying Register.

The Lobbying Register launched on 12 March 2018. This returns analysis covers data from that start date to the 12 June 2022. The annual report periods refer to the following dates:

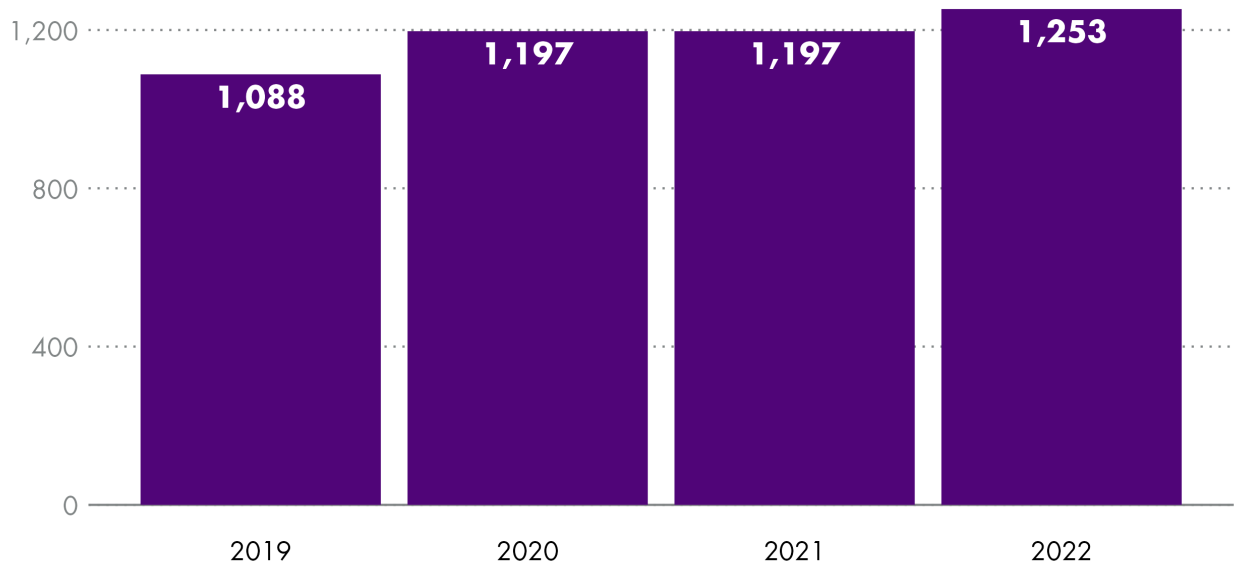
- **2019:** 12 March 2018 - 12 June 2019 <sup>52</sup>
- **2020:** 13 June 2019 - 12 June 2020 <sup>53</sup>
- **2021:** 13 June 2020 - 12 June 2021 <sup>54</sup>
- **2022:** 13 June 2021 - 12 June 2022 <sup>51</sup>

The 2019 period is longer than the other periods as it includes the three months during which the Act was in operation before the annual report cycle commenced.

## Registrants on the Lobbying Register

**Figure 4: The number of registrants has increased since 2019**

The chart shows the number of registrants recorded on the Lobbying Register in each annual report period.<sup>xii</sup>



SPICe, using data from the Lobbying Register

SPICe categorised registrants into fewer registrant types and registrant sectors than those typically reported in Lobbying Register annual reports to provide for a clearer summary of the Lobbying Register's composition. The list of registrant types and sectors that is used by the Lobbying Register for annual reporting can be found in [Annex 2.1](#).

xii The Lobbying Register Annual Report 2020 reports 1196 registrants however this re-analysis identified that there were 1197 registrants on the Lobbying Register in 2020.

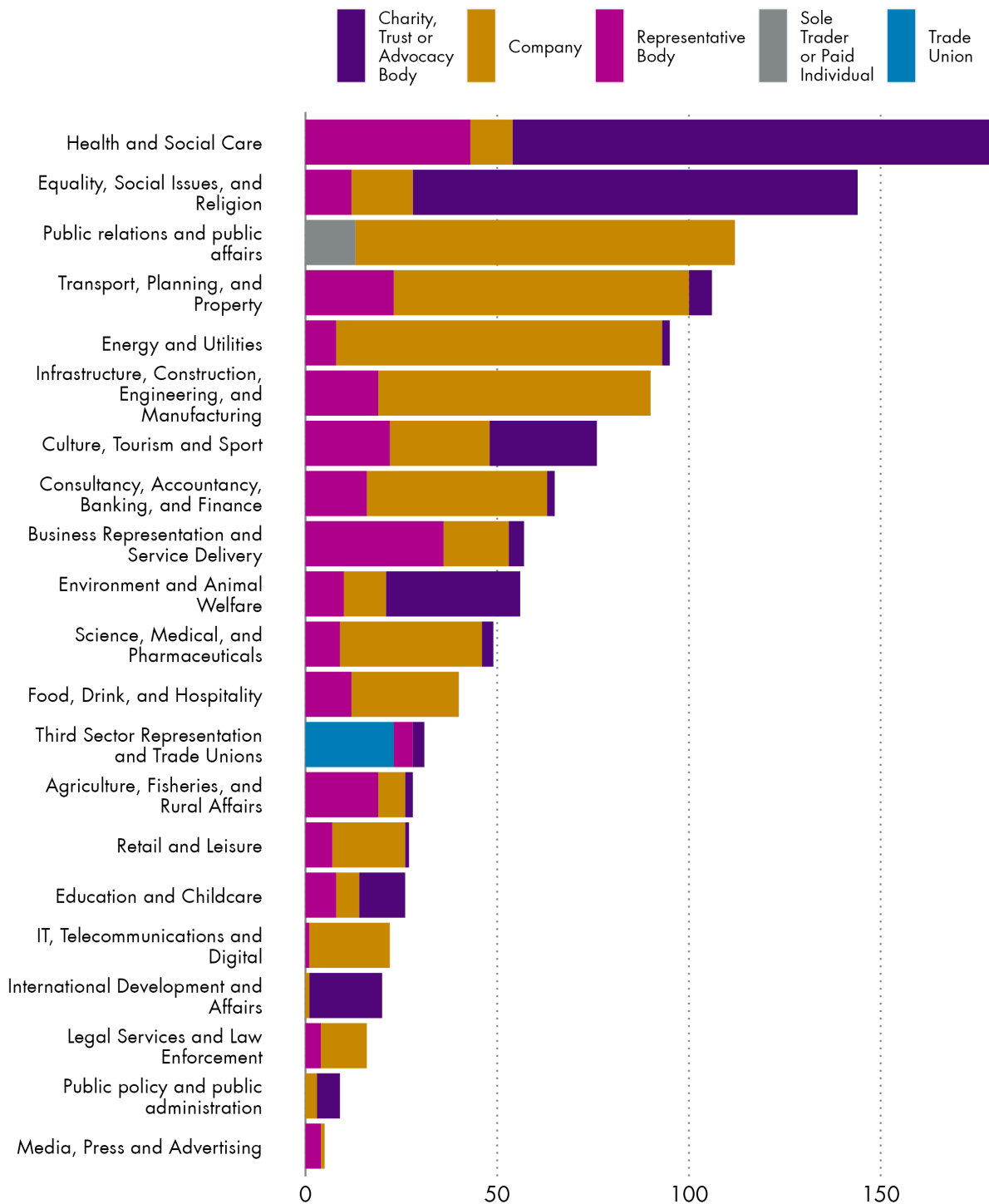
## Definitions

- Registrants refers to active registrants on the Lobbying Register unless voluntary or inactive registrants are specified.
- Returns refer to substantive returns unless nil returns are specified.
- Registrant sector refers to the most relevant primary subject area that the registrant lobbies in or for.
- Registrant type refers to whether a registrant is a:
  - charity, trust or advocacy body;
  - company;
  - representative body (i.e., an organisation which represents a collective or organisations);
  - sole trader or paid individual; or
  - a trade union.

The complete data for the number of registrants associated with each registrant sector and registrant type across annual report periods is shown in [Annex 2.2](#). This analysis indicated that most registrants in the charity, trust and advocacy body group file returns in the equality, social issues, and religion and the health and social care sectors. Companies were the dominant registrant type in the public relations and public affairs sector, the transport, planning and property sector, and energy and utilities sector. Sole traders and paid individuals could only be associated with the public relations and public affairs sector. The breakdown of registrants for each registrant sector and registrant type during the 2022 annual report period is shown in the following graph.

**Figure 5: Health and social care is the largest sector on the Lobbying Register**

The chart shows the number of registrants on the Lobbying Register in 2022 by sector and registrant type.



SPICe

### Inactive and voluntary registrants

Section 12 of the Act permits registrants to become an "inactive registrant" on the Lobbying Register if the registrant determines it is no longer going to engage in regulated lobbying.<sup>2</sup> A total of 113 registrants have been made inactive between 12 March 2018 and 12 June 2022.

## Table 2: Most inactive registrants are companies

The table shows the breakdown of inactive registrants by former registrant type.

Registrant type	Number of inactive registrants
Charity, trust or advocacy body	26
Company	75
Representative body	9
Sole trader or paid individual	3

Organisations may register as a voluntary registrant under section 14 of the Act after becoming an inactive registrants.<sup>2</sup> Voluntary registrants tend to be small organisations of less than 10 people who provide returns on a non-statutory basis. A total of 10 registrants have been granted voluntary registrant status between 12 March 2018 and 12 June 2022.

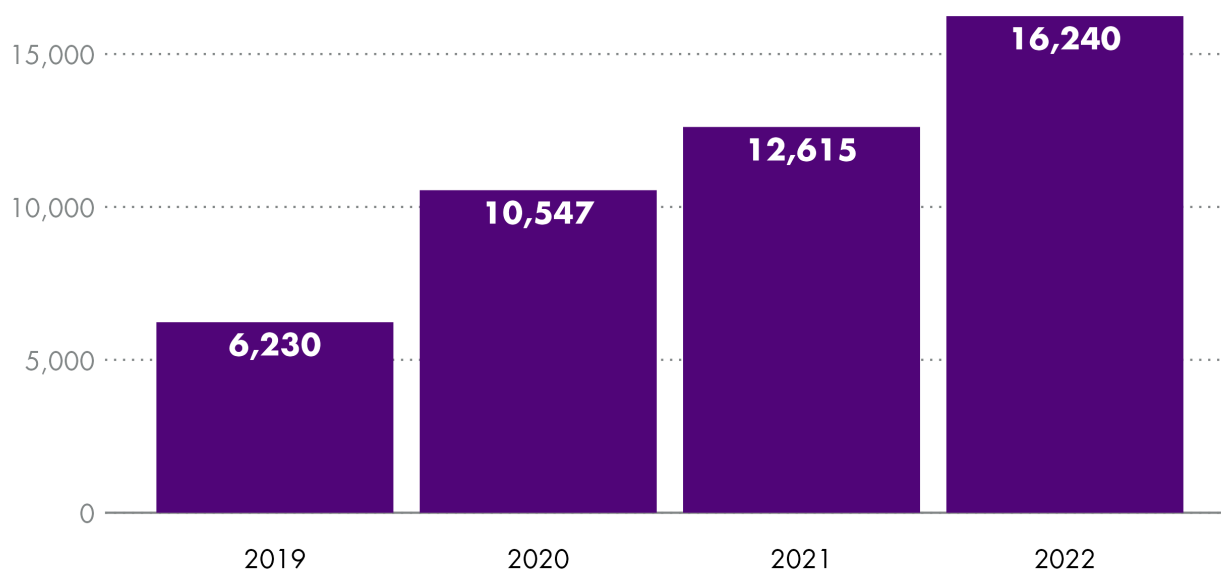
## Returns on the Lobbying Register

Registrants must submit substantive returns on the Lobbying Register every six months when they have undertaken registered lobbying.<sup>2</sup> Registrants must make a nil return when they have not undertaken registered lobbying within the six month reporting period.<sup>2</sup> The following section reports analyses conducted to assess trends in the number of substantive and nil returns recorded on the Lobbying Register.

### Volume of regulated lobbying

**Figure 6: The number of returns has increased each year since 2019**

The chart shows the number of substantive returns in each annual report period.

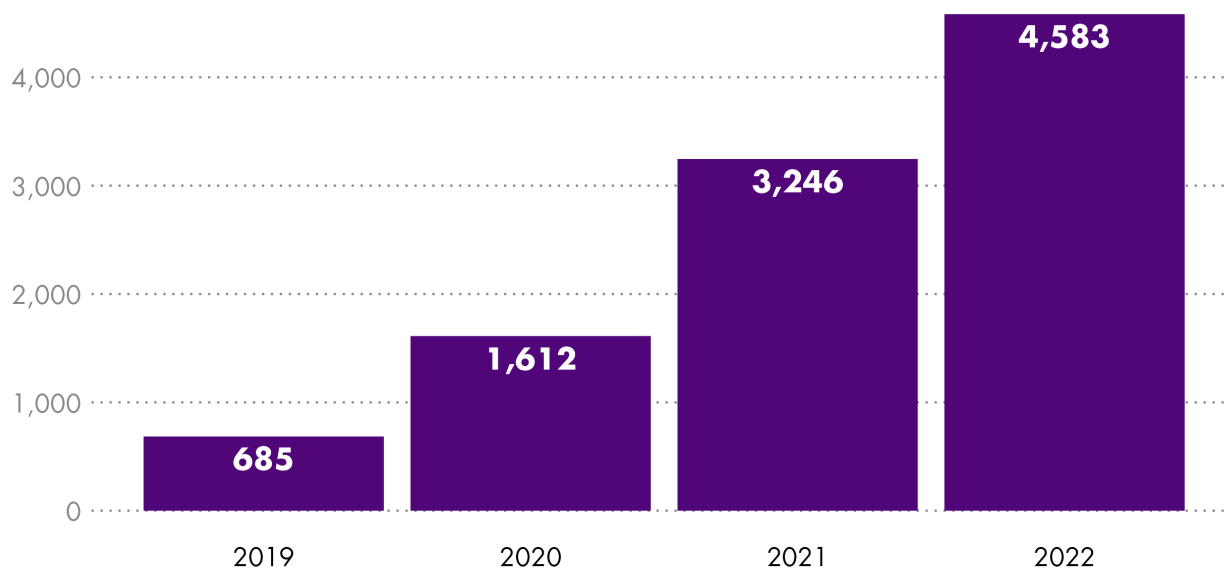


SPICe, using data from the Lobbying Register



**Figure 7: The number of nil returns has increased each year since 2019**

The chart shows the number of nil returns in each annual report period.



SPICe, using data from the Lobbying Register

The distribution of returns across sectors analysis indicates that regulated lobbying takes place in every sector and during each annual reporting period to some extent (see [Annex 2.3](#)). The number of returns also increases every annual reporting period in every sector. The following sectors exhibit consistently higher numbers of returns over the annual reporting periods:

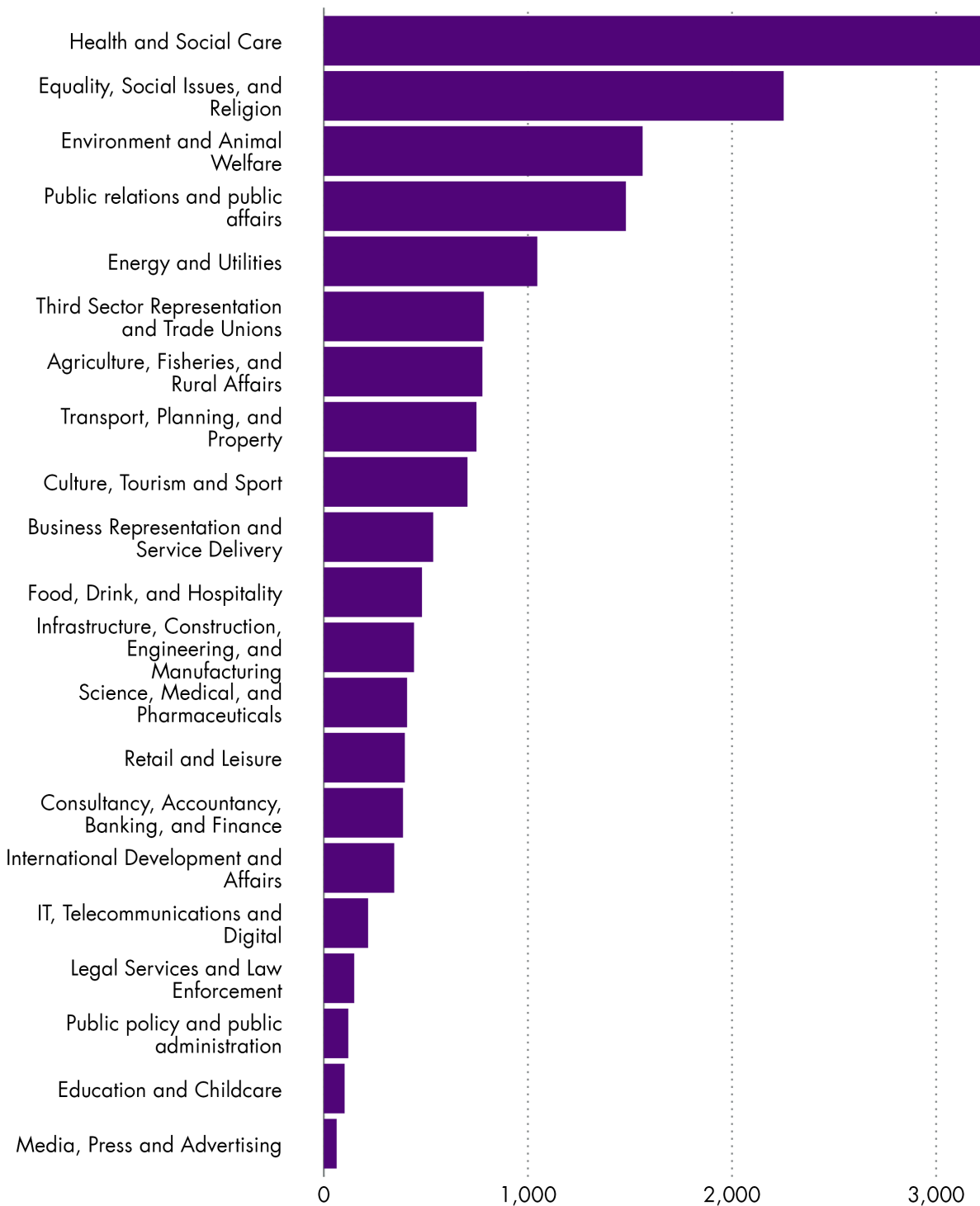
- health and social care;
- equality, social care, and religion;
- environment and animal welfare;
- public relations and public affairs;
- energy and utilities.

The following sectors have consistently lower numbers of returns over the annual reporting periods:

- media, press and advertising;
- education and childcare;
- public policy and public administration;
- legal services and law enforcement.

**Figure 8: Health and social care produce the most returns on the Lobbying Register**

The chart shows the number of returns made on the Lobbying Register for each sector in 2022.



SPICe, using data from the Lobbying Register

The same analysis was performed to assess the number of nil returns by registrant sector and annual report period (see [Annex 2.4](#)). The distribution of nil returns across sectors analysis indicates that nil returns are being made in every sector and annual reporting period to some extent, but at much a lower frequency than substantive returns. The number of nil returns also increases every annual reporting period in every sector. Those sectors with the most substantive returns also tended to have the most nil returns.

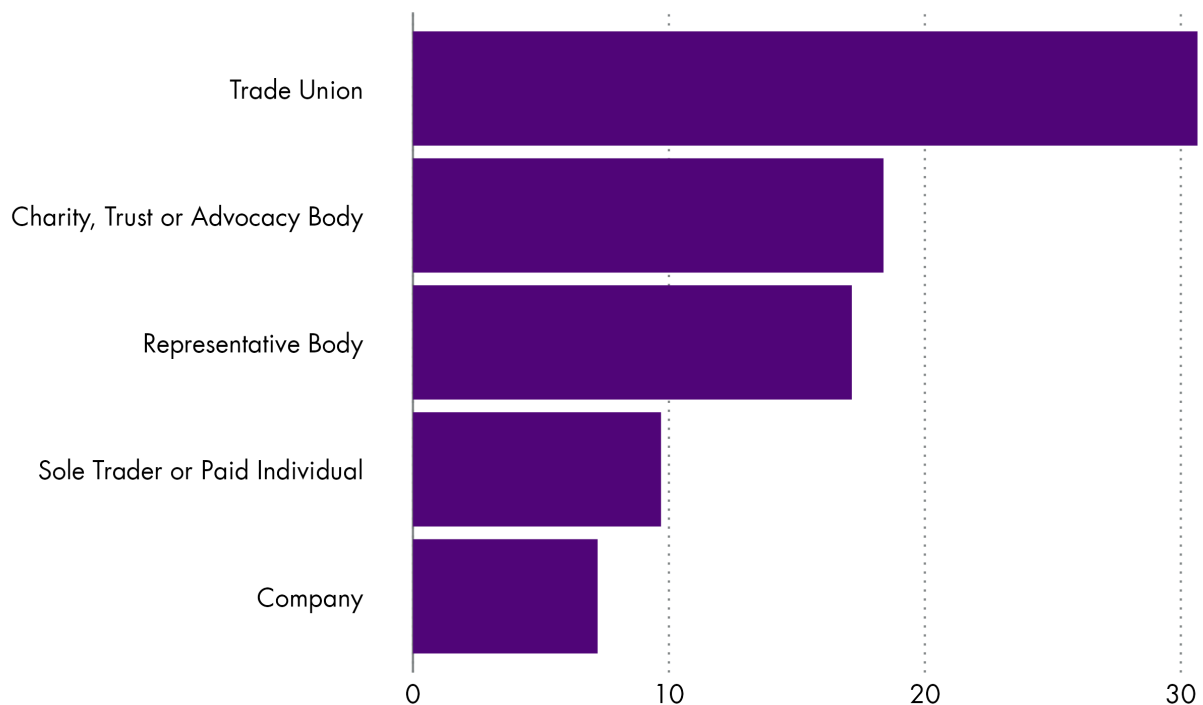
## Intensity of regulated lobbying

The analyses thus far have looked at total returns which provides an assessment of the volume of regulated lobbying taking place. The next set of analyses calculate average returns to assess the intensity of regulated lobbying.

The average number of returns made by each registrant increases over every annual report period across all registrant types and sectors. Overall, this suggests that engagement in regulated lobbying by individual registrants is increasing over time. Several other insights were gained from calculating average returns, including, that trade unions are the registrant type with the highest average returns and companies produce the lowest average returns.

### Figure 9: Trade unions are the registrant type with the highest average number of returns

The chart shows the average returns for each registrant type in 2022.



SPICe, using data from the Lobbying Register

The sectors with the highest number of average returns are:

- environment and animal welfare;
- agriculture, fisheries, and rural affairs;
- trade unions and third sector representation.

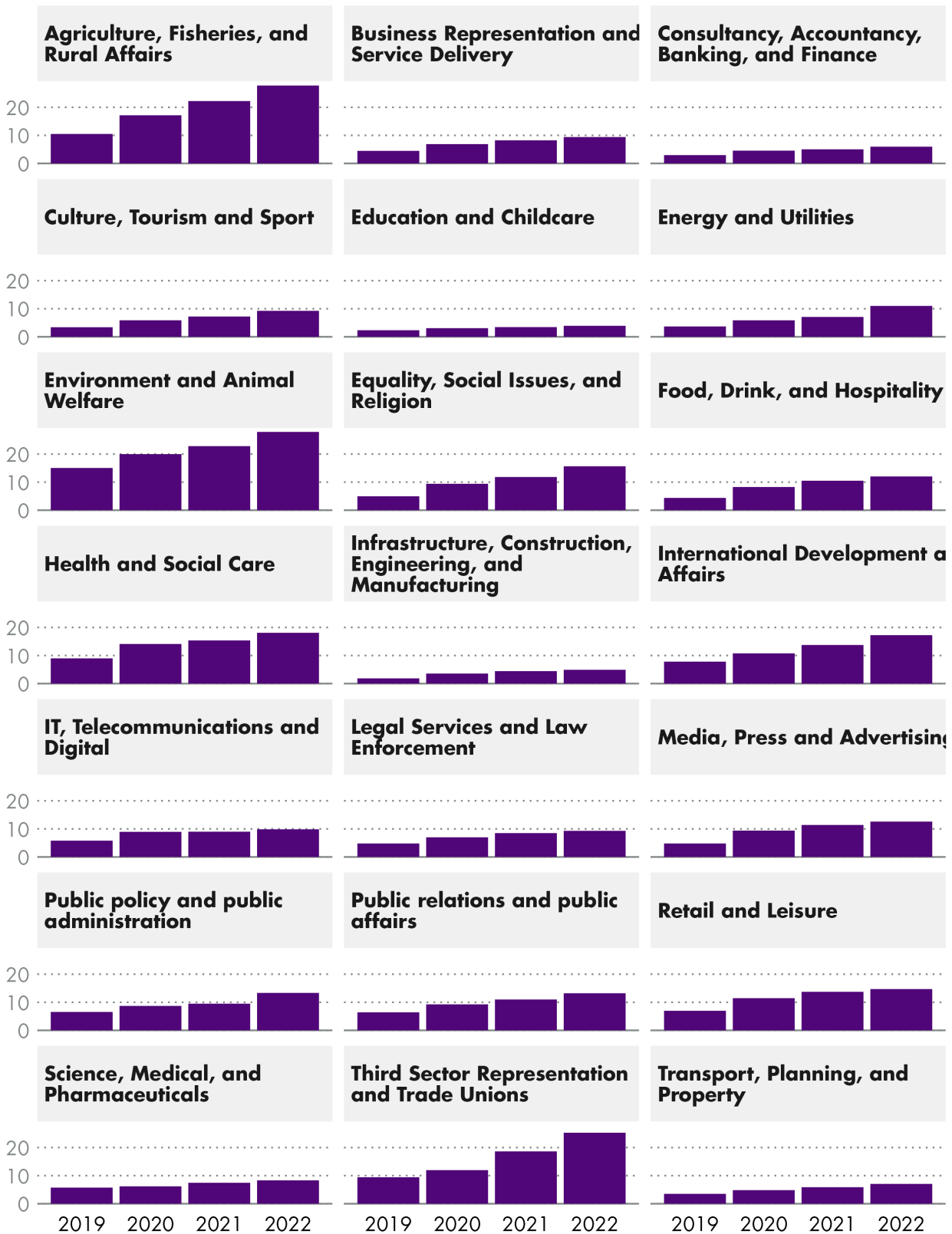
The sectors with the lowest number of average returns are:

- education and childcare;
- consultancy, accountancy, banking and finance;

- infrastructure, construction, engineering, and manufacturing.

**Figure 10: The average number of returns published on the Lobbying Register is increasing every year and in every sector**

The chart shows the average number of returns made in each sector and in each annual report period.



SPICe, using data from the Lobbying Register

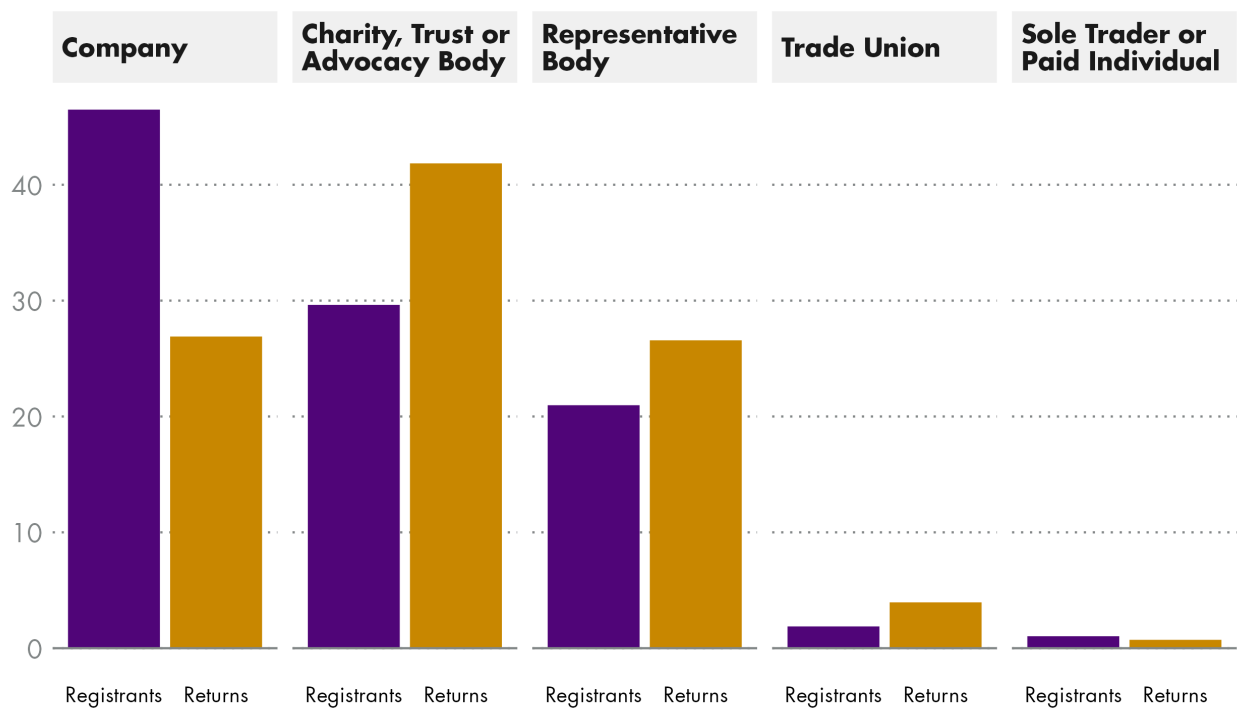
The numerical breakdowns of average returns for registrant type and registrant sector can be found in [Annex 2.5](#) and [2.6](#), respectively.

### Proportionality of regulated lobbying

The next set of analyses plot the proportion of registrants associated with a registrant type or registrant sector against the respective proportion of returns they contribute to the Lobbying Register. This is to assess whether there are any sectors or organisation types that can be considered relatively high or relatively low contributors to the Lobbying Register.

#### Figure 11: Charities, trusts and advocacy bodies produce a disproportionately high number of returns

The chart shows the percentage of registrants (purple bar) against the percentage of returns (yellow bar) for each registrant type.



SPICe, using data from the Lobbying Register

Numerical data supporting the visualisation can be found in [Annex 2.7](#). The analysis indicated that charities, trusts and advocacy bodies, representative bodies, and trade unions all produce proportionately more returns relative to proportion of registrants on the Lobbying Register. Companies and sole traders/paid individuals produce proportionately less returns relative to proportion of registrants on the Lobbying Register.

To further assess proportionality between registrants and returns, the difference between proportion of registrants and returns was examined (see [Table 3](#)). The difference, expressed as a percentage points difference, provides a measure of the disparity between the proportions of registrants and returns. Charities, trusts, and advocacy bodies are producing a disproportionately high number of returns. This is also the case to a lesser degree for representative bodies and trade unions. Conversely, sole traders and paid individuals, and companies are producing a disproportionately low number of returns.

**Table 3: Charities, trusts and advocacy bodies and companies show the largest disparities between registrants and returns made on the Lobbying Register.**

The table shows the percentage point differences between proportion of returns and registrants for each registrant type.

Registrant type	Percentage point difference
Charity, trust or advocacy body	12.2
Representative body	5.6
Trade union	2.1
Sole trader or paid individual	-0.3
Company	-19.6

Differences in proportion of registrants and returns for each registrant sector were also calculated (see [Table 4](#) and [Annex 2.8](#)).

**Table 4: Insights from considering the proportion differences between returns and registrants for each registrant sector.**

The table shows the percentage of registrants, percentage of returns, and the percentage point difference between returns and registrants for each sector on the Lobbying Register.

	Registrant sector	Percentage of registrants	Percentage of returns	Percentage point difference
<b>Sectors where there are proportionately more returns than registrants</b>	Health and social care	14%	21%	7.0
	Environment and animal welfare	4%	10%	6.0
	Agriculture, fisheries, and rural affairs	2%	5%	3.0
	Equality, social issues, and religion	12%	13%	1.0
	Third sector representation and trade unions	3%	4%	1.0
<b>Sectors where returns and registrants are proportionate</b>	Retail and leisure	2%	3%	1.0
	International development and affairs	2%	2%	0.0
	Public relations and public affairs	9%	9%	0.0
	Media, press and advertising	1%	1%	0.0
	Public policy and public administration	1%	1%	0.0
	Food, drink, and hospitality	3%	3%	0.0
	Legal services and law enforcement	1%	1%	0.0
<b>Sectors where there are proportionately fewer returns than registrants</b>	IT, telecommunications and digital	2%	1%	-1.0
	Education and childcare	2%	1%	-1.0
	Business representation and service delivery	4%	3%	-1.0
	Science, medical, and pharmaceuticals	4%	3%	-1.0
	Energy and utilities	7%	5%	-2.0
	Consultancy, accountancy, banking, and finance	5%	3%	-2.0
	Culture, tourism and sport	6%	4%	-2.0
	Transport, planning, and property	9%	5%	-4.0
Infrastructure, construction, engineering, and manufacturing	7%	3%	-4.0	

## Compliance with the reporting duty

The Act provides for a system of oversight and compliance.<sup>2</sup> The duty to monitor compliance with the Act has been delegated by the Clerk of the Scottish Parliament to the Lobbying Register Team.<sup>4</sup> Possible and alleged breaches of the Act can be investigated by the Commissioner for Ethical Standards for Public Life in Scotland.<sup>2</sup> There have been no instances to date where such an investigation has taken place. The Parliament's

powers to censure lobbyists have also not been used since the Act came into force. There are also provisions for criminal offences and penalties in the Act, which likewise, have not been used to date.

Instances of non-compliance with the Act (i.e., failure to submit a return by the reporting deadline) are routinely addressed by the Lobbying Register Team and result in non-compliance emails being issued to conclude a registrant's returns for the reporting period.

<sup>51</sup> The Lobbying Register Annual Report for 2021-22 provides the data for number of non-compliance emails issued to each registrant since the Act came into force. <sup>51</sup> This data indicates that a total of 2089 non-compliance emails have been sent to 850 registrants (i.e., 68% of registrants have received at least one non-compliance email since the Act came into force).

By the end of the 2022 Annual Report period, there had been a total of 9 statutory reporting periods (each of six months). Therefore, an organisation in this dataset can only be classified as having breached the Act a maximum of 9 times. The following table provides the percentage of registrants associated with the available number of breaches.

**Table 5: Most registrants on the Lobbying Register have a low rate of repeated non-compliance**

The table shows the number of reporting periods, the number of registrants breaching each reporting period, and the percentage of registrants breaching each reporting period.

Breaches of reporting period	Number of registrants within breach category	Percent of registrants within breach category (%)
0	403	32.16
1	280	22.35
2	229	18.28
3	145	11.57
4	106	8.46
5	61	4.87
6	18	1.44
7	10	0.79
8	0	0.00
9	1	0.08

SPICe, using data from the Lobbying Register

The data shows that approximately one third of registrants have not received a non-compliance email by the end of any of their reporting periods. This indicates that a substantial proportion of registrants complied with the Act without any breach. There is also an indication of a low incidence of multiple non-compliance with the percentages declining quickly for registrants receiving more than one non-compliance email over their reporting periods. It suggests that most registrants either comply or have a low incidence of repeated violations.

## Content of returns on the Lobbying Register

SPICe used quantitative text analysis techniques to guide the assessment of the Lobbying Register's content. These included a word frequency analysis to identify the most common topics being discussed and a topic modelling analysis to identify themes from across the



entries on the Lobbying Register.

The dataset downloaded from the Lobbying Register consisted of 17,221 substantive returns published between 23 March 2018 to 12 August 2022.<sup>xiii</sup> The extract of returns was processed prior to text analysis. Processing involved removing special characters and "stopwords" (i.e., common words that are not informative on their own such as "it", "the", "an").

### **Accessibility of Lobbying Register entries**

The extract of the Lobbying Register was first analysed for text statistics. This analysis indicated that the average word count of each return is 56 words with 40 of those words being unique words. The high proportion of unique words combined with a low average sentence number (2.5 sentences on average) indicates that entries on the Lobbying Register are likely to be rich in vocabulary. Taken together, this indicates entries of the Lobbying Register provide both information and nuance but may stray towards complexity over accessibility.

This indication was supported by the average readability score of returns on the Lobbying Register. Returns on the Lobbying Register had an average score of 16.<sup>xiv</sup> This readability score corresponds to the reading level of secondary school leavers and first year university students.<sup>55</sup> This score supports the finding that the content of the Lobbying Register is readable but may be somewhat advanced in terms of vocabulary and sentence structure. Text that is accessible to the majority of the general public is expected to have a readability score of 8.<sup>56</sup>

The text analysis did not identify any significant variations in the way in which different types of registered organisations are undertaking their reporting of regulated lobbying. This lack of any significant difference in style or detail is likely due to the quality assurance and compliance role undertaken by the Lobbying Register Team.

### **Frequent purposes of lobbying activity**

The most commonly reported purpose of lobbying is to raise awareness of, or seek support for, registered organisations' campaigns. Updates on, or introductions to, the work of registered organisations were also frequently reported. These updates often made reference to the "importance" of certain sectors and activities.

In line with the quantitative returns analysis, health was a frequent topic in Lobbying Register entries. Approximately 13% of entries make reference to health. The majority of these responses were related to health and social care policy. However, it was also used more generally to refer to concepts such as the health of the environment, health of the economy, and health of sectors.

### **Parliamentary and Government functions reported in the Lobbying Register**

Government was referenced in approximately 22% of entries. The reference to

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xiii The dataset consisted of 22,404 entries on the Lobbying Register before nil returns were excluded from analysis.

xiv Flesch Kincaid was used as the measure of readability.<sup>55</sup>

Government (and variations such as the Scottish Government) was broad-ranging and often used in reference to Government functions rather than discussion with Government Ministers and officials (e.g., to tell the MSP about the need for "Government support"). Explicit references to discussions with Ministers appear in approximately 10% of entries on the Lobbying Register.

Bills and legislation were the subject of approximately 16% of entries. There was no suggestion that lobbyists from registered organisations were discussing other parliamentary instruments (i.e., votes, motions, questions) on the same scale as they were discussing legislation with Members.

References to votes (including variations of the word vote) appear in less than 1% of entries. The use of the word vote was usually in reference to discussions with Members ahead of votes on legislation, in discussions about whether there is support for a policy proposal, or when the subject of the meeting was related to electoral policy. There was no suggestion that registered organisations regularly lobby Members to vote in a certain way.

Discussions about the work of Parliamentary committees are mentioned in approximately 3% of entries. Motions and parliamentary questions appeared in approximately 3% and 2% of entries, respectively.

### **Common purposes of lobbying activity**

Finally, a topic modelling analysis was used to identify underlying patterns and themes in Lobbying Register returns. This analysis does not necessarily identify the most frequent topics. Instead, it may identify the areas where significant emphasis on issues are included in returns or where a topic is likely to be supported by a coordinated lobbying response. This analysis identified six prominent purposes of lobbying activities:

1. Discussions on the impact of COVID-19 on health and social care, and sectors of the economy. Word frequency analysis did not indicate that any one sector was the subject of a significant number of returns after health and social care was accounted for.
2. Discussions on issues with Government schemes. Various schemes are mentioned throughout the dataset and there was no suggestion that any of these schemes warranted its own topic. However, frequently occurring references to schemes included employment schemes, deposit return schemes, and licensing schemes proposed in several Bills.
3. Seeking support for campaigns related to cancer, health, and mental health.
4. Discussions on Bills or policy relating to climate change, food and planning.
5. Discussions on, and seeking support on, campaigns relating to children and young people. References to discussions in this topic could often be tied to specific Bills and policy issues (e.g., Children (Scotland) Bill, now Act 2020).
6. Discussions relating to the energy industry, and specifically, wind power. There was an indication that discussions on the energy industry involved registered organisations providing Members with an update on the work of the organisation.

# The impact of the reporting duty on registered organisations

In its post-legislative scrutiny of the Act, the PAPLS Committee received and heard evidence expressing a range of views on the administrative effort required by registered organisations to provide lobbying returns.<sup>5</sup> The Financial Memorandum to the Bill indicates that each six monthly compilation of returns was estimated to take one to 24 hours (every six months).<sup>57</sup> Several organisations indicated agreement with this estimate in the PAPLS Committee report and indicated that they did not find it overly burdensome (Scottish Alliance for Lobbying Transparency, Scottish Council for Voluntary Organisations, RNIB Scotland; as included in the PAPLS Committee report). One organisation (Poppy Scotland) indicated that it exceeds this figure and spends around 40 hours providing returns in each return period. Two organisations (Association for Scottish Public Affairs and NFU Scotland) gave estimates in line with the Financial Memorandum but reported these were usually at the higher end of the estimated scale.

SPICe ran an anonymous survey of registered organisations from 18 May 2023 to 30 June 2023 (see [Annex 1.2.1](#)). The survey was sent by the Lobbying Register team to all registered organisations. The aim of this survey was to obtain quantitative reference points for the perceived administrative load on different types of registered organisations and for different requirements of the Act.

## Respondents to the survey of registered organisations

The survey received 244 responses from the representatives of registered organisations. This reflects a return rate of 18.8%.

### Table 6: Most respondents to the survey represented a charity or trust

The following table shows the number and percentage of respondents indicating the organisation type of the registered organisation they represent. There were 242 responses to this question.

Organisation type	Responses	Percentage of responses
Charity or trust	95	38.9%
Commercial business	72	29.5%
Representative body or society	33	13.5%
Not-for-profit organisation	27	11.1%
Other	15	6.1%

SPICe survey of registered organisations

Respondents representing charities or trusts were the largest category of organisation type (38.9%). This was followed by commercial business, representative body or society, and then not-for-profit organisation. There were 15 respondents (6.1%) indicating "other". These respondents did not all provide a specific organisation type but common responses included organisations preferring to self-describe as trade unions, trade associations, policy bodies, governing bodies, and consultants. Analyses referring to organisation type hereafter includes the following categories; charity or trust, not-for-profit organisation, and representative body or society.

## Table 7: Most respondents to the survey represent an organisation in the health and social care sector

The following table shows the number and percentage of respondents indicating the registered organisation's primary policy area or sector of the registered organisation they represent. There were 242 responses to this question.

Sector	Responses	Percentage of responses
Health and social care	33	13.5%
Education and childcare	23	9.4%
Equality, social issues, and religion	23	9.4%
Transport, planning, and property	19	7.8%
Culture, tourism and sport	17	7.0%
Consultancy, accountancy, banking, and finance	14	5.7%
Environment and animal welfare	14	5.7%
Energy and utilities	12	4.9%
Public relations and public affairs	12	4.9%
Infrastructure, construction, engineering, and manufacturing	11	4.5%
IT, telecommunications and digital	8	3.3%
Business representation and service delivery	7	2.9%
Legal services and law enforcement	7	2.9%
Third sector representation and trade unions	7	2.9%
Food, drink, and hospitality	6	2.5%
Retail and leisure	6	2.5%
Public policy and public administration	5	2.0%
Science, medical, and pharmaceuticals	5	2.0%
Agriculture, fisheries, and rural affairs	3	1.2%
International development and affairs	3	1.2%
Media, press and advertising	2	0.8%
Other	5	2.0%

SPICe survey of registered organisations

All sectors (as categorised in the analysis of returns on the Lobbying Register) were represented in the responses to the survey of registered organisations. Health and social care, education and childcare, and equality, social issues, and religion were the three sectors with the most representation in the responses. There were five responses indicating "other" and these respondents indicated they were representatives of organisations working in land reform, economy, maritime, defence, space, or a number of areas listed. Analyses by sector type are not provided hereafter given the limited numbers of respondents from certain sectors.

**Table 8: Most respondents to the survey represented small organisations**

The following table shows the number and percentage of respondents indicating the registered organisation's primary policy area or sector of the registered organisation they represent. There were 243 responses to this question.

Organisation size	Responses	Percentage of responses
Micro: 1 to 9 employees.	50	20.6%
Small: 10 to 49 employees.	67	27.6%
Medium: 50 to 249 employees.	60	24.7%
Large: 250 employees or more	66	27.2%

SPICe survey of registered organisations

There was no over-representation of one category of organisation size among respondents. However, the majority of responses are from representatives of small and large organisations. Micro-organisations represent the smallest number of responses. This may be expected given micro-organisations are not required by the Act to provide lobbying returns but may submit returns on a voluntary basis.

**Table 9: The majority of respondents from commercial businesses identified as large organisations while respondents representing other organisations types tended to identify as smaller organisations.**

The following table shows the number and percentage of respondents indicating the registered organisation's primary policy area or sector of the registered organisation they represent. Respondents indicating other were excluded from the summary.

Organisation type	Size	Responses	Percentage of responses
Charity or trust	Micro: 1 to 9 employees.	15	15.8%
	Small: 10 to 49 employees.	34	35.8%
	Medium: 50 to 249 employees.	30	31.6%
	Large: 250 employees or more	16	16.8%
Commercial business	Micro: 1 to 9 employees.	14	19.4%
	Small: 10 to 49 employees.	5	7.0%
	Medium: 50 to 249 employees.	11	15.3%
	Large: 250 employees or more	42	58.3%
Not-for-profit organisation	Micro: 1 to 9 employees	8	29.6%
	Small: 10 to 49 employees	10	37.0%
	Medium: 50 to 249 employees	5	29.7%
	Large: 250 employees or more	1	3.7%
Representative body or society	Micro: 1 to 9 employees.	9	27.3%
	Small: 10 to 49 employees.	14	42.4%
	Medium: 50 to 249 employees.	6	18.2%
	Large: 250 employees or more	4	12.1%

SPICe survey of registered organisations

Patterns could be identified when organisation size was summarised by organisation type. Charities and trusts, as well as representative bodies, tended to be small or medium-sized. The majority of business respondents identified as large. Not-for-profit respondents were mostly spread between micro, small, and medium-sized organisations.

## Time spent submitting returns

Respondents were asked to submit the estimated hours the organisation spends submitting returns and responding to any clarifications from the Lobbying Register. The survey received 238 estimates from respondents.

Estimates of time spent submitting returns skewed towards the lower end of the estimates set out in the Bill's Financial Memorandum. The data indicated that registered organisations spend 3.7 hours on average in each reporting period submitting returns and responding to clarifications. The median estimate was 2 hours with 50% of responses falling between 1 and 3 hours.

Overall, the estimates ranged from 0 hours (possibly reflecting organisations who only submit "nil" returns) to 250 hours. However, the 250 hours estimate does represent an extreme outlier as the highest estimate before this response is 25 hours. Only 3% of responses provided estimates that exceeded 10 hours providing returns in each 6-month reporting period.

The average hours reported by respondents was assessed by organisation type and organisation size. This analysis indicated respondents representing charities or trusts spent the most time submitting returns compared to other organisation types. This seems to be consistent with the returns analysis which indicated charities produce more returns on average. Medium-sized organisations reported the most time spent submitting returns compared to other organisation size categories.

### Table 10: Charities and trusts report spending the most time submitting returns

The table shows the average number of hours spent submitting returns in each reporting period for each organisation type.

Organisation type	Average hours
Charity or trust	5.6
Commercial business	2.4
Not-for-profit organisation	3.2
Representative body or society	2.4

SPICe survey of registered organisations

### Table 11: Medium-sized organisations report spending the most time submitting returns

The table shows the average number of hours spent submitting returns in each reporting period for each organisation size.

Organisation size	Average hours
Micro: 1 to 9 employees.	2.3
Small: 10 to 49 employees	3.1
Medium: 50 to 249 employees	6.8
Large: 250 employees or more	2.7

SPICe survey of registered organisations

## Experience submitting returns and compliance preferences

Respondents were asked questions about the organisation's years of experience providing returns, the organisational tendencies in submitting returns, and the number of staff members responsible for submitting returns. These questions were asked to gain an understanding of how registered organisations approach and build experience in submitting returns on the Lobbying Register.

Respondents were asked to provide the number of staff members who are responsible for submitting returns on the Lobbying Register. The vast majority of respondents (72%) indicated one staff member was responsible for submitting returns. Thereafter, 20% and 5% of respondents indicated two and three staff members, respectively, were responsible for submitting returns. Only 3% of respondents indicated that more than four staff members were responsible for submitting returns (with a range of responses from 4 to 23 staff members).<sup>xv</sup>

The survey specifically asked for the years of experience that the most experienced staff member has with submitting returns to the Lobbying Register. The breakdown of responses indicated that over 50% of registered organisations had at least one staff member with over five years of experience submitting returns. Overall, this suggests that the majority of registered organisations have significant experience of the Act's reporting duty.

### Table 12: Most registered organisations have over five years of experience submitting returns on the Lobbying Register

The table shows the number and percentage of respondents indicating the most experienced staff member's years submitting returns to the Lobbying Register. There were 240 responses to this question.

Years of experience	Responses	Percentage of responses
0 to 1 years	18	7.5%
1 to 2 years	32	13.3%
2 to 3 years	20	8.3%
3 to 4 years	23	9.6%
4 to 5 years	19	8.0%
5+ years	128	53.3%

SPICe survey of registered organisations

The survey data also indicated that most organisations prefer to submit returns at the end of the six month reporting period (58.5%). Just under a quarter of organisations (24.5%) prefer to submit returns as soon as possible after the regulated lobbying has taken place. The remaining respondents (17%) indicated that they prefer to submit returns on a regular and specified period within the six month interval (e.g., weekly, monthly).

## Perceived effort of submitting lobbying returns

Respondents were asked to rate the administrative effort of submitting returns to the

xv There was one extreme outlier of 415 staff members in the response set. Respondents were not able to provide context on this input so it is not clear how this question may have been interpreted by the respondent and whether this figure reflects the total number of staff members in the organisation.

Lobbying Register. The objective was to determine whether there was a consensus view that registered organisations' responsibilities under the Act are suitable or considered overly burdensome. Respondents answered a suite of questions soliciting subjective views on the administrative effort involved in submitting returns on the Lobbying Register.

**Table 13: The majority of registered organisations are neutral to the effort involved in submitting returns to the Lobbying Register or regard it as a low effort responsibility.**

The table shows distribution of responses to the baseline question soliciting views on submitting returns to the Lobbying Register.

Effort level	Responses	Percentage of responses
No effort at all	7	2.9%
Very low effort	23	9.6%
Low effort	36	15.0%
Somewhat low effort	33	13.8%
Neutral	52	21.7%
Somewhat high effort	48	20.0
High effort	21	8.8%
Very high effort	13	5.4%
Extremely high effort	5	2.0%
Insupportable effort	2	0.8%

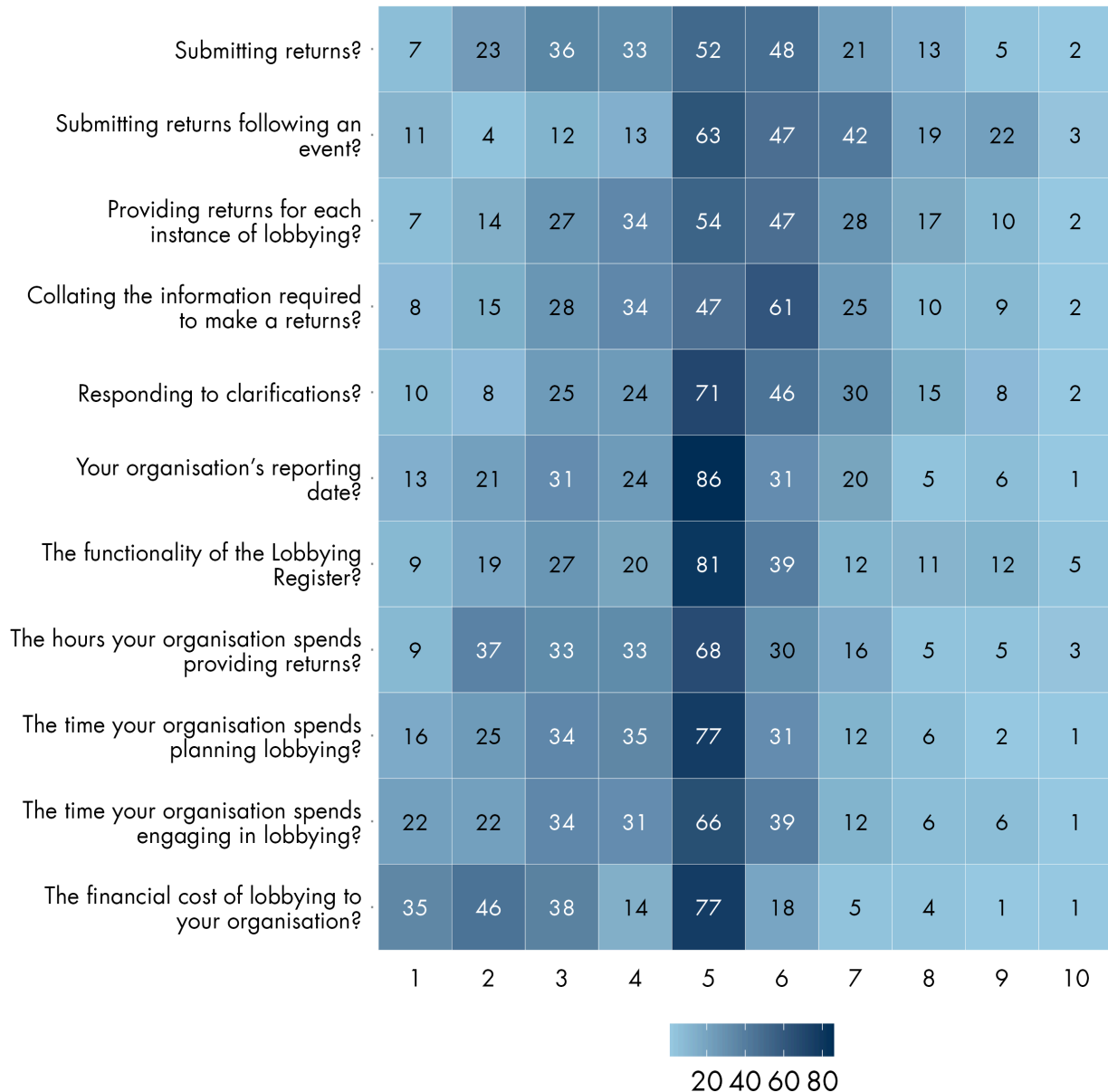
SPICe survey of registered organisations

The responses to the questions on perceived effort levels were compiled into a heatmap which can be seen below. This was to assess whether subjective effort reports changed when respondents were asked to consider questions relating to submitting returns for certain activities and the organisation's wider lobbying activity.



**Figure 12: Registered organisations tend to perceive the process of submitting returns to the Lobbying Register as manageable**

Registered organisations were asked to rate the administrative effort of providing lobbying returns on a 1 (no effort) to 10 (insupportable effort) scale. The heatmap shows the distribution of responses when registered organisations were asked to consider different requirements of the Act and their lobbying activities more generally.



SPICe survey of registered organisations

There was a general tendency among respondents to indicate "neutral" which may suggest a view of there neither being the fluency of low effort associated with an aspect of providing lobbying returns nor the resistance to that aspect of providing returns. There was also a general tendency for responses to cluster around middle ground responses (i.e., "somewhat low effort", "neutral", "somewhat high effort").

The question relating to submitting returns following an event was the only one where the majority of respondents provided responses above the neutral response level (i.e., the majority of responses were in the "somewhat high effort" to "insupportable effort")

categories). This suggests that registered organisations may find it more difficult to provide returns for each instance of regulated lobbying after events. This is supported by the slight shift (relative to the baseline question on submitting returns) towards higher effort responses when participants are asked about:

- providing returns for each instance of regulated lobbying;
- collating the information required to make returns;
- responding to clarifications.

Taken together, it may be that the requirement to keep track of and submit returns for each instance of regulated lobbying does impact registered organisations' perceived administrative effort or efficiency in providing lobbying returns. However, it should be noted that the majority of respondents do not consistently provide high effort responses to these items.

There was a moderate shift (relative to the first question on submitting returns) to lower effort responses when respondents were asked to consider:

- the hours the organisation spends providing returns;
- the time the organisation spends planning lobbying;
- the time the organisation spends engaging in lobbying;
- the financial cost of lobbying to the organisation.

This may suggest that, within the broader context of an organisation's lobbying activities, the overall process of submitting lobbying returns is seen as relatively manageable.

## **Analysis of text responses**

Respondents could provide long form text responses on three questions in the survey. These questions asked respondents to provide:

- views on the current process for submitting lobbying returns;
- suggestions for changing the process for submitting lobbying returns to make it more efficient for their organisation;
- any additional comments on the administrative effort involved in submitting lobbying returns.

SPICe used quantitative text analysis techniques to guide the analysis of long form responses. These included a word frequency analysis (to identify the most common words being used), a sentiment analysis (to identify whether responses were positive or negative), and a topic modelling analysis (to identify themes from across the written responses). Responses were screened and pre-processed prior to text analysis. This means the response was checked to ensure it was in text format (i.e., had no emojis or special characters) and was not short or incomplete. Examples of short or incomplete responses include those that only said "okay", "fine", "not applicable", "none", or variations of those terms. Responses were also removed if they consisted solely of "stopwords" (i.e.,

common words that are not informative on their own such as "it", "the", "an").

### User Experience Updates to the Lobbying Register

Following completion of the survey period, the Lobbying Register announced changes to the Lobbying Register website. The results of this survey therefore represent the views of registered organisations prior to the user-experience changes to the website. The Lobbying Register set out the following changes on its [website](#):

“ This has delivered a new *dashboard* landing page for registrants, providing at-a-glance information and a one-stop area for registrants to:

- *check the status of information returns ”*
- *check on returns ‘never submitted’ ”*
- *see their current statutory submission period ”*
- *note when registration details were last updated ”*
- *check their registered email address ”*
- *submit an information return or a nil return ”*

Other *improvements* will include:”

- *an upgraded ‘public’ search: including an improvement of the CSV function, to ensure it copes with larger search requests. Plus, more choices when searching for published information returns and registrant information details.* ”
- *‘Ghost text’ guidance in key areas of the information return for registrants ”*
- *statutory submission period selection for registrants on information returns/nil returns ”*

The Lobbying Register, 2023<sup>58</sup>

### Process for submitting returns

There were 206 total responses to the question soliciting additional comments on the process of submitting lobbying returns. Overall, there was an indication that the process for submitting lobbying returns is appropriate with the majority of responses indicating that the process is "simple", "clear", and "straightforward". However, there was opposition to this within the response set. Common terms of opposition to the process included "cumbersome", "onerous on small charities", and "bureaucratic".

A subset of 139 responses were suitable for text analysis. The sentiment of responses in this subset were mostly positive (48%), rather than negative (42%), with a small number of respondents providing neutral responses (10%).

The text analysis used to identify themes in responses indicated that the process of submitting lobbying returns is usually straightforward. This was also supported by a word frequency analysis which indicated that "information" and "straightforward" were the most frequent terms after excluding "lobbying", "register", "process", and "returns" (N.B., the

high frequency of the latter words is likely due to their association with the question wording). The following responses are illustrative of this response theme.

“ It is relatively straightforward - it is the information collating that requires time.”

“ Setting it up was a pain. Doing the returns was relatively easy.”

Most responses referring to the straightforward nature of providing returns did make caveats or provide further context to those responses. Several responses indicating that they felt the process was straightforward also indicated that they typically provide "nil" returns. For example, the following two respondents state:

“ We very rarely submit, as we rarely carry out regulated lobbying. I find it very straightforward to submit a 'no activity' return. And very straightforward to submit a return for the one or two activities we carry out a year.”

“ As an organisation which is registered on a precautionary basis, we have to-date only filed nil returns, which has been straightforward.”

Other responses clarified that the administrative effort involved in submitting returns often relates to managing the organisation's responsibilities under the Act within the respective organisation. The following examples portray the issues with monitoring and managing compliance with the Act within an organisation.

“ The website works well and I don't often lose progress due to crashes / timing out, so that's a good thing. The lobbying team have been very helpful in terms of answering questions and introducing new staff to the register. I would say the main administrative burden comes in: making colleagues aware of their lobbying register responsibilities and regularly reminding them to give their returns to the member of staff responsible for submitting them; querying colleagues when a return does not give enough information to be submitted; updating our internal log and then using that to update the website; responding to queries from the lobbying team, usually when the information about our "ask" was not sufficiently clear or detailed (this would normally involve going back to the person who attended the meeting to ask them for more information).”

“ The current process places the administrative burden solely on the organisations or individuals participating in direct contact with MSPs or other Scottish Government officials. For larger organisations, particularly for those who deliver multiple services or activities across a range of settings, both locally and nationally, it is a more onerous task to gather the information required for submission to the Lobbying Register. Ensuring that all colleagues across a large organisation understand the reporting requirements set out by the Lobbying (Scotland) Act 2016 can be challenging, particularly in situations where staff turnover can be high and where limitations to how information can be shared exist, e.g. service colleagues who provide community-based services may not access local offices or have access to digital information consistently and may subsequently not be able to access information regarding lobbying, nor might they be aware of the reporting requirements since this type of activity may not fall under their normal responsibilities and role. The number of contacts with parliamentarians is likely to be higher across larger organisations and it can be difficult to monitor individual contacts across a large organisation, especially if this is tasked to one individual within the organisation due to resource allocation.”

“ Our organisation built a salesforce database to track political engagements and streamline our lobbying register submission process, which took time and resource to build. This was helpful for us, but not something every organisation is able to replicate. Before the salesforce database, one person had to reach out to multiple people across multiple teams to ask for lobbying submissions, which usually involved a bit of back and forth to collate the right information.”

Responses providing context or making caveats to the process of providing returns often indicated that addressing clarifications from the Lobbying Register team was a source of difficulty. The following examples illustrate how clarifications were represented in the survey data.

“ The online submission is straightforward but sometimes feedback emails from the Lobbying team can be lengthy and require additional work”

“ The information about which instances count as lobbying could be clearer. We frequently get requests for further clarification and there is inconsistencies in what is approved and what is questioned.”

Other common caveats related to the limited functionality of the website. Thirteen responses referred to the website and its user experience as "clunky". A sample of these responses can be found below.

“ Overall it works but clearly could be more user friendly (the clunky website and everyone being on different 6 month schedules). 6 months is too long a window. It should include other forms of communication not just face to face as clearly that is very easy to get around.”

“ Feels clunky when using the website, could be easier and therefore less time consuming. Not always sure if and when the returns have been published.”

“ The submission form is a little clunky but it serves its purpose. I like the reminder emails that are sent which makes it easier for me to remind staff of the deadlines that are coming.”

“ The reminders are helpful and I think the 6 month window is about right. The website and the system driving it are a little 'clunky' but overall it is straightforward to use.”

Responses identified as negative by a text analysis were usually associated with the requirement to provide a return for each instance of regulated lobbying and the perceived lack of consistency on returns acceptance. Several responses highlighting this issue referred to the process as "burdensome".

“ The process could be streamlined. Submissions feel a bit hit and miss in terms of what will be accepted. It is also sometime very complicated and administratively burdensome to establish every conversation that has taken place at large events, and what would be considered substantive enough to include.”

“ We find the requirement to log multiple instances of lobbying after an event impractical. On occasion, in the past, we may have spoken with 60 MSPs about essentially the same topic e.g. the main messages from an exhibition in parliament or a parliamentary event. While one submission with the names of all 60 MSPs would suffice, with the exception of instances where different issues were discussed, we are instead forced to spend a number of hours submitting 60 different responses. This is incredibly burdensome on a small to medium sized charity like the one I work for - especially when the duty falls onto one person alone. We also find it frustrating when the lobbying team asks us to resubmit instances of lobbying based on seemingly new rules unbeknown to us. For example, I like to ensure consistency when submitting instances of lobbying. However, on occasion, I have received requests to resubmit one instance of lobbying because of a perceived lack of information, when I wasn't asked to do so for the previous submission, despite my approach being the same. I think the lobbying team needs to be consistent in that regard.”

Another theme identified by the text analysis was the role of the Lobbying Register team in helping organisations comply with the Act. These responses were generally positive and could be associated with most of the aforementioned topics and issues.

“ Easy to follow, any assistance required the staff are always happy to help and guide.”

“ The process is clear and simple. The lobbying register team are very helpful when their assistance is required.”

“ The current process is fairly straight forward and the lobbying register team are always very quick to respond/offer feedback on submissions.”

“ Works well and low effort. Two suggestions:”

1. A 'grouped' option may be helpful for occasions where the lobbying of multiple MSPs took place in a single setting, say a speech at a roundtable or reception. Rather than having to duplicate them on separate returns. Individual returns can also potentially be misleading to the reader, and a grouped option may be more helpful for the reader in understanding the context of the lobbying.”
2. Regular reminders of deadlines from lobbying team - this happens, but want to emphasise how helpful it is in ensuring compliance.”

## **Suggested changes to the process for submitting returns**

There were 193 total responses to the question soliciting suggestions for changing the process for submitting returns. A subset of 114 responses were suitable for text analysis.

The text analysis was used to identify common suggestions for changing the process for submitting returns. A topic modelling analysis indicated suggestions could be broadly categorised into:

- providing more notice in reminders to submit returns (e.g., from 14 days to 28 days);
- changes to how events and exhibitions are recorded so that the requirement to record each individual instance of lobbying does not apply in these circumstances;

- removing the requirement to submit a "nil" return so that only lobbying activity is submitted.

The following response is indicative of the suggestions made for addressing the issues with recording events and exhibitions in the register as well as the suggestions for increased notice of the organisation's reporting date.

“ We would suggest that situations where multiple instances of lobbying may take place at a single event can be grouped together. For example, if several parliamentarians or Scottish Government officials attend the same meeting or conference with several individuals from across the same organisation, all contacts should be able to be shared on a single submission which indicates the nature of each of the contacts rather than submitting separate submissions for each individual contact. This would reduce the administrative burden associated with these scenarios. Additionally, it would be helpful if the reminder for Lobbying Register returns be issued with greater notice. At the current time, reminder notices are sent by e-mail about 14 days ahead of the end of the 6 month statutory period, with a further 14 days grace period thereafter for submissions. Notice provided about 28 -30 days before the end of the statutory period with a further reminder at 14 days ahead of the end of the statutory period and/or grace period would enable larger organisations a longer period of time to gather and assess the necessary information. A further reminder would also ensure that submissions are not forgotten or missed, particularly if the single reminder is sent during a period of leave or absence.”

A significant number of responses also made recommendations relating to the functionality and user experience of the website. Some responses suggested a "complete overhaul" or "redesign" of the website was necessary. Others were more muted in their tone and suggested that a "more modern and effective website" could "streamline the process". There were also specific suggestions to make it easier to search through previous returns. Several responses indicated interest in set templates for submitting returns that could use tick boxes to identify the lobbying activity taking place rather than written reports.

Finally, there were several suggestions relating to better guidance from the Lobbying Register on what constitutes regulated lobbying and identifying whether an individual undertaking lobbying is paid or unpaid. A couple of these responses can be found below.

“ The general guidance on what constitutes lobbying could be clearer. For example, there was an occasion where there was some confusion over whether a meeting with the Scottish minister for development and all Scottish NGOs as part of an official working group for example would fall under lobbying or normal government business.”

“ Greater clarity needed on the role of unpaid volunteers in lobbying - we have a Board consisting of members and some take part in lobbying on behalf of our organisation, but we have no need to record this. We also have an allowance paid to our Chair, not remuneration, but the guidance is not clear on this.”

## Summary and areas for further consideration

Since the Act came into force, there has been a consistent upward trend in the number of registrants and the number of returns recorded on the Lobbying Register. This suggests that engagement in regulated lobbying activities and awareness of the Act is growing.

The analysis of the Lobbying Register identified the following sectors as producing the highest number of returns:

- health and social care;
- equality, social issues, and religion;
- environment and animal welfare;
- public relations and public affairs;
- energy and utilities.

There were also clear trends in the types of organisations lobbying in each sector. For example, most registrants representing charities, trusts and advocacy bodies lobby in the equality, social issues, and religion sector and the health and social care sector. Companies were the dominant registrant type in the public relations and public affairs sector, the transport, planning and property sector, and the energy and utilities sector. Sole traders and paid individuals could only be associated with the public relations and public affairs sector. Registered organisations tend to lobby more intensely in the following sectors:

- environment and animal welfare;
- agriculture, fisheries, and rural affairs;
- trade unions and third sector representation.

Charities, trusts and advocacy bodies, representative bodies, and trade unions all produce proportionately more returns relative to their share of registrants on the Lobbying Register. Companies and sole traders and paid individuals on the other hand produce proportionately less returns relative to their share of registrants on the Lobbying Register.

In terms of the reporting duty's impact on registered organisations, organisations dedicate approximately 3.7 hours every reporting period to submitting returns and responding to clarifications with charities spending the most time submitting returns. Registered organisations indicated that the administrative effort involved in complying with the Act is largely concentrated on managing the internal processes of an organisation. However, submitting lobbying returns for each instance of regulated lobbying after an event is considered a high effort task by most of the registered organisations surveyed.

While registered organisations generally accept the reporting duty, there is a noticeable imbalance in returns compared to registrants in specific sectors and organisation types. Taken together, this imbalance suggests the Act's definition of regulated lobbying may be unduly biased towards capturing the activity of organisations inclined to seek widespread support for their causes and run public engagement campaigns involving elected representatives.

One point to consider in respect of this is how expanding the definition of regulated lobbying in the Act and amending the requirement to record each instance of regulated lobbying would affect the number and proportionality of recorded returns. Furthermore, it may also be of note to consider how including information on lobbying expenditure could provide more insights into the strategies adopted by registered organisations when engaging in regulated lobbying.



The analysis also indicated that overall compliance with the Act is high with most registrants demonstrating adherence or a low incidence of repeated breaches. Importantly, there is no significant variations in how different types of registered organisations report their regulated lobbying activities, nor is there consistent evidence of problematic lobbying practices identified in the Lobbying Register.

# How is the Lobbying Register used and by whom?

## Key Findings: How is the Lobbying Register used and by whom?

- The primary users of the Lobbying Register are representatives of registered organisations (77.5%), followed by members of the public (7.5%), and then members of the media (2.5%).
- Reasons for visiting the Lobbying Register varied, with the most common being to make a return on the Lobbying Register (59%) and to register with it (20.5%).
- The survey indicated that user behaviour ranges from occasional visits to active and frequent use, with over 50% of respondents reporting one-time or 2 to 3-time visits in the past 6 months.

## Users of the Lobbying Register

The PAPLS Committee report indicated that there was uncertainty over the extent to which the Lobbying Register is used by members of the public. To provide an indication of the type of people visiting the Lobbying Register and their reasons for doing so, SPICe ran a survey on the homepage of the Lobbying Register website from 18 May 2023 to 30 June 2023 (see [Annex 1.2.2](#)). Any visitor to the homepage of the Lobbying Register could participate in the survey. A total of 40 responses were collected.

Respondents were first asked about their associations with the Lobbying Register, Parliament, and Scottish Government. This approach was chosen to better discern whether respondents could be identified as lobbyists, targets of lobbying, officials related to Parliamentary and Government business, or members of the public.

## Table 14: The majority of visitors to the Lobbying Register are representatives of registered organisations

The following table indicates the breakdown of respondents' associations with the Lobbying Register.

Relationship to the Lobbying Register	Percent of respondents
Representative of registered organisation on the Lobbying Register	77.5%
Member of the press or media	2.5%
MSP	0.0%
MSP and Parliamentary group staff	0.0%
Minister of the Crown	0.0%
Other elected representative	0.0%
Party official	0.0%
Government official	0.0%
Parliament official	5.0%
None - member of the public	7.5%
Other (please specify):	7.5%

SPICe survey of Lobbying Register visitors

The results indicate that the vast majority of respondents (77.5%) were representatives of registered organisations on the Lobbying Register. Members of the public were the category with the second highest percentage of responses (albeit this only represented 7.5% of responses). However, this category represents a substantially smaller percentage than registered organisations. Parliament officials, members of the media, and "other" represented the remaining responses. Respondents selecting "other" indicated the following professional associations:

- representative of a small charity;
- student;
- communications professional.

Overall, the breakdown suggests that the intended end-users of the Lobbying Register (i.e., members of the public and media) do engage with the contents. However, the level of engagement is likely to be modest with the groups only representing 10% of the responses collected. There is also a suggestion that potential targets of lobbying activity or those employed by potential targets of lobbying activity (i.e., MSPs, their staff, Ministers, and certain Government officials) do not regularly visit the Lobbying Register.

## Reasons for visiting the Lobbying Register

Two questions sought to understand respondents' reasons for visiting the Lobbying Register. The first question looked at respondents' reasons for visiting the Lobbying Register on the day they took part in the survey. The second question asked about respondents' typical reason for visiting the Lobbying Register.

### Specific reasons

Respondents were asked about their reasons for visiting the Lobbying Register.

Participants could select multiple responses and specify other reasons in a text response.

### Table 15: Most respondents indicated they visit the Lobbying Register to make a return

The following table indicates the breakdown of respondents' reasons for visiting the Lobbying Register. Respondents could select multiple responses. *Note:* The total number of respondents to this question is 39. One respondent skipped this question.

Reason(s) for visiting the Lobbying Register	Percent of respondents
To register with the Lobbying Register	20.5%
To make a return on the Lobbying Register	59.0%
To see the organisations engaging in regulated lobbying	15.4%
To see the public officials who are engaging with registered organisations	12.8%
For journalistic purposes	2.6%
For research purposes	15.4%
Other (please specify):	5.1%

SPICe survey of Lobbying Register visitors

The most common reason for visiting the Lobbying Register was to make a return on the Lobbying Register (59%). Thus, suggesting the Lobbying Register is predominantly visited for compliance and reporting activities. The second most common reason being to register with the Lobbying Register supports this suggestion. Thereafter, there were similar levels of interest in seeing what organisations are lobbying, who is the target of lobbying activity, and using the Lobbying Register for research. For journalistic purposes was the least common response. Respondents selecting "other" indicated they visited the Lobbying Register to get information about the Register or to re-submit rejected returns. Taken together, the results indicate that all intended uses of the Lobbying Register are being realised, but compliance activity disproportionately outweighs the use of the register by the public and media.

## Typical reason

Respondents were asked to think about their previous engagement with the Lobbying Register and select the most relevant response.

### Table 16: The majority of respondents indicate they typically visit the Lobbying Register to make a return

The following table indicates the breakdown of respondents' typical reasons for visiting the Lobbying Register.

Typical reason for visiting the Lobbying Register	Percent of respondents
To register with the Lobbying Register	5.0%
To make a return on the Lobbying Register	62.5%
To see the organisations engaging in regulated lobbying	12.5%
To see the public officials who are engaging with registered organisations	5.0%
For journalistic purposes	2.5%
For research purposes	5.0%
Other (please specify):	7.5%

SPICe survey of Lobbying Register visitors

To make a return on the Lobbying Register was the most common response, supporting previous trends where the engagement is mostly associated with registered organisations. The percentage of respondents indicating interest in seeing what organisations are lobbying, who is the target of lobbying activity, and in using the Lobbying Register for research dropped when asked about typical use. This is in line with the trend that the Lobbying Register is typically used more to record lobbying activity than to facilitate information gathering for different sectors of the general public. Those respondents who selected "other" all indicated it was their first visit to the Lobbying Register. Of these respondents, one was a representative of a registered organisation, one was a student, and one was a member of the public.

## Engagement with the Lobbying Register

Finally, respondents were asked to estimate the number of times they visited the Lobbying Register in the last six months.

**Table 17: Respondents tend to visit the Lobbying Register infrequently**

The table shows the percentage of respondents indicated the number of visits to the Lobbying Register in the past six months.

Number of visits in the last six months	Percent of respondents
Once	30.0%
2 to 3 times	27.5%
4 to 6 times	22.5%
7 to 12 times	5.0%
More than 12 times	15.0%

SPICe survey of Lobbying Register visitors

Respondents' estimations of their visits to the Lobbying Register over the past six months indicate that user behaviour ranges from occasional visits to active and frequent use. It is likely that Lobbying Register users skew towards occasional and infrequent visits given over 50% of respondents report they have visited the Lobbying Register once or two to three times. However, this may also reflect regular use given the reporting requirements of submitting returns every six months.

## Summary and areas for further consideration

The survey of Lobbying Register users indicates that it is primarily used by representatives of registered organisations, comprising 77.5% of users. While members of the public and the media engage with the Register, they collectively represent only 10% of the estimated user base. The primary reasons for visiting the Lobbying Register are compliance-related, with 59% of respondents accessing it to make returns and 20.5% to register. User behaviour is varied with most users visiting occasionally or infrequently (a possible outcome of the requirement to provide returns every six months).

Although all intended purposes of the Act are being realised, it may be worth considering how to increase awareness of the Lobbying Register among the general public and encourage engagement with its contents.

# Findings of the partial evaluation of the Lobbying (Scotland) Act 2016

This section sets out the key findings from each chapter of the partial evaluation.

- [How does the Lobbying \(Scotland\) Act 2016 compare with international best practice?](#)
- [How is the reporting duty under the Lobbying \(Scotland\) Act 2016 operating?](#)
- [How is the Lobbying Register used and by whom?](#)

A [summary of the partial evaluation and suggestions of areas for further consideration](#) is also provided.

## How does the Lobbying (Scotland) Act 2016 compare with international best practice?

SPICe analysed the statutes governing lobbying in Scotland using two published questionnaires to assess how the provisions for lobbying disclosure compare with best practice standards. This analysis indicated several key findings.

- The Act demonstrates moderate performance in enhancing lobbying transparency.
- Provisions supporting the potential accessibility of the Lobbying Register and effective oversight by the Lobbying Register team taken to be strengths of the lobbying disclosure system.
- The broader public transparency framework in Scotland, including the Freedom of Information (Scotland) Act 2002 and the Scottish Ministerial Code, contributes positively to fostering transparency of public sector contact with lobbyists.
- Statutory and voluntary codes of conduct for various stakeholders support a positive culture of lobbying and public transparency in Scotland.

The analysis also indicated areas of the Act that may warrant legislative reform. These areas include the following.

- Expansion of the definition of regulated lobbying to encompass written and oral communications in line with international standards.
- Proactive disclosure of senior public officials' and elected representatives' contacts with lobbyists.
- The absence of requirements to record lobbying expenditure on the Lobbying Register.
- Changes to reporting requirements including shorter reporting intervals and harmonisation of reporting dates across registered organisations.
- The absence of revolving door provisions and statutory cooling-off periods in the Act.

## How is the reporting duty under the Lobbying (Scotland) Act 2016 operating?

SPICe conducted a full analysis of returns on the Lobbying Register to assess how the reporting duty in the Act is operating. Representatives from registered organisations were also surveyed for their assessments of the administrative effort involved in complying with the reporting duty. The insights from these analyses are set out in the following sections:

- [Analysis of the Lobbying Register;](#)
- [Compliance with the reporting duty;](#)
- [The impact of the reporting duty on registered organisations.](#)

### Analysis of the Lobbying Register

- The number of registrants on the Lobbying Register, the number of returns on the Lobbying Register, and the intensity at which registered organisations are engaging in regulated lobbying has increased every year since the Act came into force in 2018.
- The following sectors produce the highest number of returns:
  - health and social care;
  - equality, social issues, and religion;
  - environment and animal welfare;
  - public relations and public affairs;
  - energy and utilities.
- Most registrants representing charities, trusts and advocacy bodies lobby in the equality, social issues, and religion sector and the health and social care sector.
- Companies were the dominant registrant type in the public relations and public affairs sector, the transport, planning and property sector, and the energy and utilities sector.
- Sole traders and paid individuals could only be associated with the public relations and public affairs sector.
- Individual registrants produce more returns on average in the following sectors:
  - environment and animal welfare;
  - agriculture, fisheries, and rural affairs;
  - trade unions and third sector representation.
- Charities, trusts and advocacy bodies, representative bodies, and trade unions all produce proportionately more returns relative to their share of registrants on the Lobbying Register.
- Companies and sole traders and paid individuals produce proportionately less returns

relative to their share of registrants on the Lobbying Register.

## **Compliance with the reporting duty**

- Compliance with the Act is very high. Most registrants either comply or have a low incidence of repeated breaches.
- No evidence of significant variations in the way in which different types of registered organisations are undertaking their reporting of regulated lobbying could be identified from the contents of the Lobbying Register.
- No evidence of consistently untoward or unscrupulous lobbying could be identified from the contents of the Lobbying Register.

## **The impact of the reporting duty on registered organisations**

- Registered organisations spend 3.7 hours on average in each reporting period submitting returns and responding to clarifications.
- Charities spend the most time submitting returns to the Lobbying Register compared to other organisation types.
- The majority of registered organisations indicated that the reporting duty is appropriate. Areas where administrative effort is required are largely reported to be in the organisation's internal management of lobbying information.
- Submitting lobbying returns for each instance of regulated lobbying after an event is seen as high effort by a majority of registered organisations.

## **How is the Lobbying Register used and by whom?**

SPICe administered a short survey on the Lobbying Register homepage to gain an understanding of the types of people accessing the Register and for what purposes.

- The primary users of the Lobbying Register are representatives of registered organisations (77.5%), followed by members of the public (7.5%), and then members of the media (2.5%).
- Reasons for visiting the Lobbying Register varied, with the most common being to make a return on the Lobbying Register (59%) and to register with it (20.5%).
- The survey indicated that user behaviour ranges from occasional visits to active and frequent use, with over 50% of respondents reporting one-time or 2 to 3-time visits in the past 6 months.



## Summary and areas for further consideration

The findings of the partial evaluation indicate there is sufficient evidence to suggest that the Act is delivering on its policy objectives of increasing the transparency of lobbying activity. However, the evidence in favour of increased awareness of lobbying activity is more limited.

The findings in support of assessing increased transparency include the following.

1. Scotland was rated higher than average for its lobbying disclosure provisions and broader provisions for public sector transparency. The lobbying disclosure system on its own, as provided for by the Act, was rated as a medium-robustness system.
2. The assessments of the provisions of the Act, text analysis of the Lobbying Register content, and responses to a survey of registered organisations, indicate that the Lobbying Register allows substantive information on regulated lobbying activities to be recorded and completed to a consistent standard.
3. A range of organisations in different sectors can access legislators and are increasing their engagement with legislators. There is no suggestion that the Act has deterred organisations from sharing expertise, seeking support for causes, and engaging in a wide range of activities that could be considered regulated lobbying.
4. A survey of Lobbying Register users indicated that registered organisations, members of the public and members of the media all use the Lobbying Register to varying extents.

The findings from across the three research questions indicate areas of the Act in its provisions and operation in practice where the delivery of transparency outcomes could be improved. These areas are summarised as follows.

1. The provisions are manageable for most organisations but the definition of regulated lobbying may be biased towards capturing the activity of campaigning and public awareness organisations. The extent to which broader information on lobbyists contacts with elected representatives and public officials is captured may warrant further consideration.
2. The reporting period of six months is longer than time periods considered best practice for disclosing lobbying activities. The shortening of the timescale and moving to harmonised reporting dates may improve the transparency outcomes of the Act by making it easier to identify the lobbying meetings that may have affected policy and legislation.
3. There may be an imbalance between the extent to which the provisions allow for transparency and the eventual engagement with the Lobbying Register by members of the public. Public awareness of, and public engagement with, the Lobbying Register may warrant consideration in order to ensure that the Act's transparency outcomes realise the secondary objectives of facilitating understanding of lobbying activity and improved public scrutiny of the Government and Parliament.

# Annex 1: Research design and methods

## Annex 1.1: Benchmark analysis of Lobbying (Scotland) Act

Two indexes were selected from the academic and policy evaluation literature to estimate the strength of the Lobbying (Scotland) Act 2016 and compare it against international comparators.

The two indexes were:

- The Center for Public Integrity Lobbying Index (also known as the CPI Index or “Hired Guns” Index); <sup>10</sup>
- The Transparency International Assessment for Lobbying Transparency. <sup>9</sup>

Raters were provided with the following guidance in addition to the two indexes' questionnaires.

“ The index analysis requires the completion of two questionnaires. The questionnaires are designed to assess lobbying systems in national and sub-national jurisdictions. The questionnaires should be answered with the Scottish Parliament Lobbying Register in mind. It is important to note that the two questionnaires have been designed based on research in lobbying systems in different countries and continents. The wording and references to certain state bodies and actors may therefore require some interpretation to identify a comparator within the jurisdiction being surveyed. For example, a question may refer to the state oversight agency with responsibility for lobbying registration. This would require the respondent to identify that this question is referring to the role of the Lobbying Registrar in the Scottish Parliament. Some questions will require awareness of policy and statute beyond those which govern lobbying regulation. Respondents are free to use any resources they deem necessary to complete the questionnaire, including consulting with colleagues or other experts. Some questions are supplemented with guidance, where this is the case, the guidance will be presented in a text box.”

Only minor edits (consisting solely of substituting references to US Dollars for Pound Sterling) were made to the original index analyses before presenting them to the raters for completion.

### Annex 1.1.1: Scoring procedures for the benchmark analyses

Two raters provided scores for both of the index analyses. Rater 1 provided a full set of scores for both indexes. Rater 2 provided a set of scores representing 48% of the CPI Index and 75% of the Transparency International index. The inter-rater reliability (i.e., the correspondence between raters' scores) was 74%.

This analysis took a complete-case analysis approach for the purposes of calculating inter-rater reliability. This means that when a score on a question was omitted by one rater the corresponding score by the other rater was removed and not included in the ratings for which inter-rater reliability would be assessed.

Inter-rater reliability was calculated as:

$$\text{Inter-Rater Reliability} = (\text{Total Agreements} / \text{Total Ratings}) \times 100$$

Rater 1 provided the scores reported in this report.

## **Annex 1.1.2: Scores from Transparency International Assessment for Lobbying Transparency**

Dimension	Sub-Dimension	Question	Points
Transparency	Access to Public Information	1	2
		2	1
		3	2
	Lobbyist Registration Systems	4	0
		5	1
		6	1
		7	2
		8	2
		9	1
		10	1
		11	1
		12	1
		13	2
		14	0
		15	0
		16	0
		17	2
		18	2
	Oversight of registration system and sanctions for non-compliance	19	2
		20	2
		21	2
		22	2
		23	2
		24	2
		25	2
		26	2
		Pro-active disclosure by public officials, including legislative footprint	27
	28		0
	29		0
	30		0
Integrity	Post-employment and Pre-employment Restrictions	31	0
		32	1
		33	0
		34	1
		35	2
		36	1
		Codes of conduct for public sector employees	37
	38		2
	39		2
	40		2
	Codes of ethics for lobbyists	41	1
		42	1
		43	1
		44	2
		45	1
		46	2
		47	2
Self-regulation by lobbyist associations	48	1	



Equality of Access

Consulation and public participation mechanisms

49	2
50	1
51	2
52	0
53	0
54	2
55	1
56	2
57	
58	2
59	2
60	1
61	0
62	1
63	0
64	0
65	2

Advisory/Expert Group Composition and policies

## **Annex 1.1.3: Scores from Center for Public Integrity Analysis of Lobbying Disclosure Laws**

Dimension	Question	Points	
Definition of Lobbyist	1	3	
	2	4	
Individual Registration	3	0	
	4	0	
	5	1	
	6	2	
	7	0	
	8	0	
	9	1	
	10	1	
	Individual Spending Disclosure	11	0
		12	0
13		0	
14		0	
15		0	
16		1	
17		1	
18		1	
19		1	
20		0	
21		0	
22		0	
23		0	
24		1	
25		1	
Employer Spending Disclosure	26	0	
	27	0	
Electronic Filing	28	1	
	29	0	
	30	1	
Public Access	31	3	
	32	3	
	33	1	
	34	1	
	35	0	
	36	0	
	37	0	
	38	4	
Enforcement	39	0	
	40	0	
	41	1	
	42	0	
	43	0	
	44	1	
	45	0	
	46	0	
	47	1	
Revolving Door Provisions	48	0	



## Annex 1.2: Surveys of registered organisations and Lobbying Register users

Two surveys were written and administered for the partial evaluation of the Lobbying (Scotland) Act 2016. One survey was administered to registered organisations on the Lobbying Register (see [Annex 1.2.1](#)). The other survey was posted on the Lobbying Register website for self-selecting Lobbying Register users to complete (see [Annex 1.2.2](#)).

### Annex 1.2.1: Survey of registered organisations on the Lobbying Register

The Scottish Parliament Information Centre (SPICe) is conducting a partial evaluation of the Lobbying (Scotland) Act 2016 for the Standards, Procedures and Public Appointments Committee. As part of this project, SPICe is looking at the administrative resource for registered organisations making returns on the Lobbying Register.

Please take this short survey to provide some information on the experience of organisations providing returns on the Lobbying Register.

The survey consists of 13 questions and will take a maximum of 20 minutes to complete. Your answers are anonymous and will only be used for the partial evaluation of the Lobbying (Scotland) Act 2016. The responses you provide will be analysed and summarised by SPICe. The survey results will be shared in a report to the Standards, Procedures and Public Appointments Committee in Autumn-Winter 2023.

The SPCB takes your privacy seriously. We want you to understand how we will look after your personal information, which is explained in the Privacy Notice on SPICe online surveys. This survey will close on 30 June 2023 at 17:00.

If you are happy to continue, please tick the box below to confirm that you have read the Privacy Notice and are happy for any information you provide being used in the way described. If you do not consent then please close this browser window to exit the survey. Please note that you can leave the survey at any point without your responses being recorded.

- I have read and understood the Privacy Notice

The following questions relate to the structure, composition, and subject area of the registered organisation that you are responding on behalf of.

#### **What is the structure of the organisation? Select the most relevant (select one).**

This question refers to whether the organisation consists of an individual, partners, or an association of people. Clarifications on the type of organisation (e.g., business, charity) can be made in Question 1.b.

- Individual
- Partnership
- Company
- Other (please specify): \_\_\_\_\_

**What is the type of organisation? Select the most relevant (select one).**

- Commercial Business
- Charity or Trust
- Representative Body or Society
- Not-for-profit organisation
- Other (please specify): \_\_\_\_\_

**What is the primary subject area of your organisation? Select the most relevant (select one).**

- Agriculture, fisheries, and rural affairs
- International development and affairs
- Consultancy, accountancy, banking, and finance
- Infrastructure, construction, engineering, and manufacturing
- Culture, tourism and sport
- Legal services and law enforcement
- Education and childcare
- Media, press and advertising
- Energy and utilities
- Retail and leisure
- Environment and animal welfare
- Public policy and public administration
- Equality, social issues, and religion
- Public relations and public affairs
- Food, drink, and hospitality
- Science, medical, and pharmaceuticals
- Health and social care
- Transport, planning, and property
- IT, telecommunications and digital
- Other (please specify): \_\_\_\_\_

**What is the size of your organisation? (select one)**

- Micro: 1 to 9 employees.
- Small: 10 to 49 employees.
- Medium: 50 to 249 employees.
- Large: 250 employees or more

**How many years of experience does the most senior staff member required to do so have submitting returns on the Lobbying Register? (select one)**

- 0 to 1 years
- 1 to 2 years
- 2 to 3 years
- 3 to 4 years
- 4 to 5 years
- 5+ years

**How many staff members are responsible for submitting lobbying returns? (numerical input)**

- \_\_\_\_ staff members

**Which option most closely describes the tendency within the organisation to submit lobbying returns? (select one)**

- As soon as possible following the regulated lobbying taking place
- On a regular and specified basis within the 6-month reporting period (e.g., weekly, monthly, every three months)
- At the end of the 6-month reporting period

**How many estimated hours are spent providing lobbying returns in each 6-month reporting period (including responding to any clarifications sought by the Lobbying Register team)? (numerical input)**

- \_\_\_\_ hours

**The following question consists of 12 sub-questions relating to the administrative effort of submitting returns on the Lobbying Register. How would you rate the administrative effort of providing lobbying returns when thinking about: (all 1-10 scale)**

- submitting returns on the Lobbying Register?
- the requirement to provide a return for each instance of regulated lobbying?
- collating the information required to make a return on the Lobbying Register?
- submitting returns following an event where multiple returns may be required?

- responding to clarifications sought by the Lobbying Register?
- your organisation's 6-month reporting date?
- the functionality of the Lobbying Register?
- the estimated hours your organisation spends providing lobbying returns in each 6-month period?
- the time your organisation spends planning for regulated lobbying in each 6-month period?
- the time your organisation spends engaging in regulated lobbying in each 6-month period?
- the financial cost of regulated lobbying to your organisation?

1 – 10 scale for questions on administrative effort:

1. No effort at all
2. Very low effort
3. Low effort
4. Somewhat low effort
5. Neutral
6. Somewhat high effort
7. High effort
8. Very high effort
9. Extremely high effort
10. Insupportable effort

**Respondents may provide comments on the process for submitting returns on the Lobbying Register in the following three questions.**

1. What do you think about the current process for submitting lobbying returns? (longform)
2. How would you suggest changing the process for submitting lobbying returns to make it more efficient for your organisation? (longform)
3. Please provide any additional comments on the administrative effort involved in submitting returns on the Lobbying Register. (longform)

## **Annex 1.2.2: Survey of visitors to the Lobbying Register**

The Scottish Parliament Information Centre (SPICe) is conducting a partial evaluation of

the Lobbying (Scotland) Act 2016 for the Standards, Procedures and Public Appointments Committee. As part of this project, SPICe is looking at engagement with the Lobbying Register.

Please take this short survey to provide some information on your visit to the Lobbying Register.

The survey consists of five questions and will take a maximum of 5 minutes to complete. Your answers are anonymous and will only be used for the partial evaluation of the Lobbying (Scotland) Act 2016. The responses you provide will be analysed and summarised by SPICe. The survey results will be shared in a report to the Standards, Procedures and Public Appointments Committee in Autumn-Winter 2023.

The SPCB takes your privacy seriously. We want you to understand how we will look after your personal information, which is explained in the Privacy Notice on SPICe online surveys.

This survey will close on 30 June 2023 at 17:00.

If you are happy to continue, please tick the box below to confirm that you have read the Privacy Notice and are happy for any information you provide being used in the way described. If you do not consent then please close this browser window to exit the survey. Please note that you can leave the survey at any point without your responses being recorded.

1. I have read and understood the Privacy Notice

**What is your professional association? (select one)**

- representative of Registered Organisation on the Lobbying Register
- member of the press or media
- MSP
- MSP and Parliamentary Group staff
- Minister of the Crown
- Other elected representative
- Party Official
- Government Official
- Parliament Official
- None - Member of the Public
- Other (please specify): \_\_\_\_\_

**Why did you visit the Lobbying Register? (select multiple)**

- To register with the Lobbying Register
- To make a return on the Lobbying Register

- To see the organisations engaging in regulated lobbying
- To see the public officials who are engaging with registered organisations
- For journalistic purposes
- For research purposes
- Other (please specify): \_\_\_\_\_

**In the past 6 months, approximately how many times have you visited the Lobbying Register? (select one)**

- Once
- 2 to 3 times
- 4 to 6 times
- 7 to 12 times
- More than 12 times

**Thinking about previous engagement with the Lobbying Register, what is your most common reason for visiting the Lobbying Register website? (select one)**

- To register with the Lobbying Register
- To make a return on the Lobbying Register
- To see the organisations engaging in regulated lobbying
- To see the public officials who are engaging with registered organisations
- For journalistic purposes
- For research purposes
- Other (please specify): \_\_\_\_\_

# Annex 2: Returns analysis supplementary data

## Annex 2.1: Lobbying Register categories for registrant type and registrant sector

Registrant Type	Registrant Sector
Charity, Trust or Advocacy Body	Animal welfare
Company	Business representation & development
Housing Association	Construction & infrastructure
Independent Statutory Body	Consumer or health & safety issues
Limited Liability Partnership	Culture, sport, lifestyle & leisure
Representative body	Disability, health and social care & wellbeing
Society	Education & early learning
Sole trader/paid individual	Energy & natural resources
Union	Engineering & Manufacturing
	Environmental
	Equality & social issues
	Financial services & management
	Fishing
	Fishing & aquaculture
	Food & drink
	International aid & development
	IT, telecommunications & digital services
	Legal services & law enforcement
	Media & marketing
	Pharmaceutical & medical
	Planning & development
	Policy body & think-tank
	PR, communications & other professional consultancy
	Real estate & property
	Religious & other beliefs
	Retail
	Rural affairs
	Science
	Service delivery & facilities management
	Third Sector representation & development
	Tourism & hospitality
	Trade Union
	Transport

## Annex 2.2: Number of registrants associated with each registrant type and sector across annual

## **reporting periods**



Registrant Type	Registrant Sector	2019	2020	2021	2022
Charity, Trust or Advocacy Body	Agriculture, Fisheries, and Rural Affairs	2	2	2	2
Charity, Trust or Advocacy Body	Business Representation and Service Delivery	4	4	4	4
Charity, Trust or Advocacy Body	Consultancy, Accountancy, Banking, and Finance	2	2	2	2
Charity, Trust or Advocacy Body	Culture, Tourism and Sport	26	28	27	28
Charity, Trust or Advocacy Body	Education and Childcare	11	12	12	12
Charity, Trust or Advocacy Body	Energy and Utilities	1	2	2	2
Charity, Trust or Advocacy Body	Environment and Animal Welfare	34	34	35	35
Charity, Trust or Advocacy Body	Equality, Social Issues, and Religion	117	114	112	116
Charity, Trust or Advocacy Body	Health and Social Care	99	118	122	125
Charity, Trust or Advocacy Body	International Development and Affairs	15	20	19	19
Charity, Trust or Advocacy Body	Public policy and public administration	5	6	6	6
Charity, Trust or Advocacy Body	Retail and Leisure	1	1	1	1
Charity, Trust or Advocacy Body	Science, Medical, and Pharmaceuticals	2	3	3	3
Charity, Trust or Advocacy Body	Third Sector Representation and Trade Unions	3	5	3	3
Charity, Trust or Advocacy Body	Transport, Planning, and Property	5	5	6	6
Company	Agriculture, Fisheries, and Rural Affairs	5	5	6	7
Company	Business Representation and Service Delivery	12	14	15	17
Company	Consultancy, Accountancy, Banking, and Finance	40	44	46	47
Company	Culture, Tourism and Sport	17	23	25	26
Company	Education and Childcare	6	6	6	6
Company	Energy and Utilities	65	74	77	85
Company	Environment and Animal Welfare	2	8	7	11
Company	Equality, Social Issues, and Religion	14	15	16	16
Company	Food, Drink, and Hospitality	22	27	26	28
Company	Health and Social Care	11	8	10	11
Company	IT, Telecommunications and Digital	14	18	20	21
Company	Infrastructure, Construction, Engineering, and Manufacturing	59	74	65	71
Company	International Development and Affairs	1	1	1	1
Company	Legal Services and Law Enforcement	11	12	12	12
Company	Media, Press and Advertising	1	1	1	1
Company	Public policy and public administration	4	4	4	3
Company	Public relations and public affairs	87	90	90	99
Company	Retail and Leisure	22	18	18	19
Company	Science, Medical, and Pharmaceuticals	28	34	34	37
Company	Transport, Planning, and Property	76	80	74	77
Representative Body	Agriculture, Fisheries, and Rural Affairs	19	19	19	19
Representative Body	Business Representation and Service Delivery	30	33	35	36

Registrant Type	Registrant Sector	2019	2020	2021	2022
Representative Body	Consultancy, Accountancy, Banking, and Finance	17	17	16	16
Representative Body	Culture, Tourism and Sport	17	20	21	22
Representative Body	Education and Childcare	6	7	8	8
Representative Body	Energy and Utilities	7	7	7	8
Representative Body	Environment and Animal Welfare	9	12	10	10
Representative Body	Equality, Social Issues, and Religion	10	12	12	12
Representative Body	Food, Drink, and Hospitality	10	11	12	12
Representative Body	Health and Social Care	37	40	40	43
Representative Body	IT, Telecommunications and Digital	1	1	1	1
Representative Body	Infrastructure, Construction, Engineering, and Manufacturing	15	19	19	19
Representative Body	Legal Services and Law Enforcement	4	4	4	4
Representative Body	Media, Press and Advertising	4	4	4	4
Representative Body	Retail and Leisure	8	7	7	7
Representative Body	Science, Medical, and Pharmaceuticals	9	9	9	9
Representative Body	Third Sector Representation and Trade Unions	5	5	5	5
Representative Body	Transport, Planning, and Property	24	23	24	23
Sole Trader or Paid Individual	Public relations and public affairs	12	12	12	13
Trade Union	Third Sector Representation and Trade Unions	20	23	23	23

## Annex 2.3: Total returns associated with registrant sectors across annual reporting periods

Registrant Sector	2019	2020	2021	2022
Agriculture, Fisheries, and Rural Affairs	273	446	600	777
Business Representation and Service Delivery	206	351	445	536
Consultancy, Accountancy, Banking, and Finance	175	287	322	388
Culture, Tourism and Sport	205	418	528	704
Education and Childcare	54	77	90	102
Energy and Utilities	269	488	609	1,046
Environment and Animal Welfare	677	1,079	1,187	1,562
Equality, Social Issues, and Religion	698	1,327	1,655	2,253
Food, Drink, and Hospitality	140	314	399	481
Health and Social Care	1,320	2,342	2,645	3,238
IT, Telecommunications and Digital	87	170	189	217
Infrastructure, Construction, Engineering, and Manufacturing	137	332	372	442
International Development and Affairs	125	226	275	345
Legal Services and Law Enforcement	72	112	136	149
Media, Press and Advertising	24	47	57	63
Public policy and public administration	59	87	95	120
Public relations and public affairs	636	944	1,121	1,480
Retail and Leisure	216	298	357	397
Science, Medical, and Pharmaceuticals	224	285	343	408
Third Sector Representation and Trade Unions	264	395	578	784
Transport, Planning, and Property	369	522	612	748

## Annex 2.4: Total nil returns associated with registrant sectors across annual reporting periods

Registrant Sector	2019	2020	2021	2022
Agriculture, Fisheries, and Rural Affairs	18	39	84	106
Business Representation and Service Delivery	39	81	143	205
Consultancy, Accountancy, Banking, and Finance	36	98	211	307
Culture, Tourism and Sport	44	89	185	260
Education and Childcare	16	45	89	130
Energy and Utilities	36	102	195	274
Environment and Animal Welfare	25	57	127	186
Equality, Social Issues, and Religion	85	196	377	539
Food, Drink, and Hospitality	23	55	104	141
Health and Social Care	66	169	421	591
IT, Telecommunications and Digital	4	17	44	67
Infrastructure, Construction, Engineering, and Manufacturing	73	146	263	375
International Development and Affairs	5	17	39	53
Legal Services and Law Enforcement	16	32	60	83
Media, Press and Advertising	1	4	12	14
Public policy and public administration	1	4	17	25
Public relations and public affairs	73	161	290	403
Retail and Leisure	15	35	68	106
Science, Medical, and Pharmaceuticals	22	68	137	196
Third Sector Representation and Trade Unions	15	33	79	106
Transport, Planning, and Property	72	164	301	416

## Annex 2.5: Average returns per registrant according to registrant type

Registrant Type	2019	2020	2021	2022
Charity, Trust or Advocacy Body	7.89	12.85	14.74	18.38
Company	3.52	5.14	6.10	7.22
Representative Body	6.98	10.81	13.36	17.15
Sole Trader or Paid Individual	3.58	6.00	7.42	9.69
Trade Union	11.85	14.78	22.78	30.65

## Annex 2.6: Average returns per registrant according to registrant sector

Registrant Sector	2019	2020	2021	2022
Agriculture, Fisheries, and Rural Affairs	10.50	17.15	22.22	27.75
Business Representation and Service Delivery	4.48	6.88	8.24	9.40
Consultancy, Accountancy, Banking, and Finance	2.97	4.56	5.03	5.97
Culture, Tourism and Sport	3.42	5.89	7.23	9.26
Education and Childcare	2.35	3.08	3.46	3.92
Energy and Utilities	3.68	5.88	7.08	11.01
Environment and Animal Welfare	15.04	19.98	22.83	27.89
Equality, Social Issues, and Religion	4.95	9.41	11.82	15.65
Food, Drink, and Hospitality	4.38	8.26	10.50	12.03
Health and Social Care	8.98	14.11	15.38	18.09
IT, Telecommunications and Digital	5.80	8.95	9.00	9.86
Infrastructure, Construction, Engineering, and Manufacturing	1.85	3.57	4.43	4.91
International Development and Affairs	7.81	10.76	13.75	17.25
Legal Services and Law Enforcement	4.80	7.00	8.50	9.31
Media, Press and Advertising	4.80	9.40	11.40	12.60
Public policy and public administration	6.56	8.70	9.50	13.33
Public relations and public affairs	6.42	9.25	10.99	13.21
Retail and Leisure	6.97	11.46	13.73	14.70
Science, Medical, and Pharmaceuticals	5.74	6.20	7.46	8.33
Third Sector Representation and Trade Unions	9.43	11.97	18.65	25.29
Transport, Planning, and Property	3.51	4.83	5.88	7.06

## Annex 2.7: Proportion of registrants and returns associated with each registrant type

Registrant Type	Total Registrants	Proportion of Registrants (%)	Total Returns	Proportion of Returns (%)	Difference between Proportion of Returns and Registrants	Percentage Difference between Proportion of Returns and Registrants (%)
Charity, Trust or Advocacy Body	1,403	29.63	19,095	41.85	12.22	41.22
Company	2,201	46.48	12,275	26.90	-19.58	-42.13
Representative Body	993	20.97	12,126	26.57	5.60	26.71
Sole Trader or Paid Individual	49	1.03	330	0.72	-0.31	-30.12
Trade Union	89	1.88	1,806	3.96	2.08	110.56

## Annex 2.8: Proportion of registrants and returns associated with each registrant sector.

Registrant Sector	Total Registrants	Proportion of Registrants	Total Returns	Proportion of Returns
Agriculture, Fisheries, and Rural Affairs	107	0.02	2,096	0.05
Business Representation and Service Delivery	208	0.04	1,538	0.03
Consultancy, Accountancy, Banking, and Finance	251	0.05	1,172	0.03
Culture, Tourism and Sport	280	0.06	1,855	0.04
Education and Childcare	100	0.02	323	0.01
Energy and Utilities	337	0.07	2,412	0.05
Environment and Animal Welfare	207	0.04	4,505	0.10
Equality, Social Issues, and Religion	566	0.12	5,933	0.13
Food, Drink, and Hospitality	148	0.03	1,334	0.03
Health and Social Care	664	0.14	9,545	0.21
Infrastructure, Construction, Engineering, and Manufacturing	341	0.07	1,283	0.03
International Development and Affairs	77	0.02	971	0.02
IT, Telecommunications and Digital	77	0.02	663	0.01
Legal Services and Law Enforcement	63	0.01	469	0.01
Media, Press and Advertising	20	0.004	191	0.004
Public policy and public administration	38	0.01	361	0.01
Public relations and public affairs	415	0.09	4,181	0.09
Retail and Leisure	110	0.02	1,268	0.03
Science, Medical, and Pharmaceuticals	180	0.04	1,260	0.03
Third Sector Representation and Trade Unions	123	0.03	2,021	0.04
Transport, Planning, and Property	423	0.09	2,251	0.05

SPICe, using data from The Lobbying Register

## **Annex 3: Statistical analyses of returns on the Lobbying Register**

Quasi-Poisson Regression is a method used in statistical analysis to examine the relationship between predictor variables (e.g., Registrant Type or Registrant Sector) and count outcomes (e.g., number of returns on the Lobbying Register). It is a variation of Poisson Regression that accounts for extra variability in the dataset.

The aim of this component of the returns analysis is to address the following two aims:

1. To assess whether there is a significant effect of Registrant Type on the number of returns placed on the Lobbying Register;
2. To assess whether there is a significant effect of Registrant Sector on the number of returns placed on the Lobbying Register.

### **Annex 3.1: Effect of registrant type on number of returns**

The model found that there are effects of the Registrant Type on the number of returns recorded on the Lobbying Register. The Charity, Trust, and Advocacy registrant type was set as the baseline Registrant Type. The significance of the baseline type indicates the number of returns associated with this representative type is significantly different from zero. This suggests that registrants representing a Charity, Trust or Advocacy Body significantly contribute to the returns on the Lobbying Register before all other types are considered.

The model then compares the remaining registrant types to the Charity, Trust and Advocacy Body type as baseline. The difference in average returns between registrants from the Charity, Trust or Advocacy Body group and Company group is statistically significant. This means we can expect registrants representing a Company to produce 59.02% less returns on average relative to the registrants representing a Charity, Trust or Advocacy Body. A similar effect was found when comparing the baseline with the Sole Trader or Paid Individual registrant type.

Although the estimates indicate that registrants representing Representative Bodies produce returns at a slightly lower rate than those representing a Charity, Trust or Advocacy, this difference was non-significant. Overall, this suggests that these two registrant types produce returns on the Lobbying Register at similar rates.

Trade Unions were the only Registrant Type where there was a positive and significant difference in average returns against the Charity, Trust and Advocacy Body group. On average, Trade Unions produce 49.10% more returns than Charities, Trusts, and Advocacy Bodies.

### Annex 3.1.1: Quasi-Poisson regression model assessing relationship between registrant type and number of returns on the Lobbying Register

Registrant Type	Coefficient Estimate	Standard Error of Coefficient Estimate	t -value	exponent	p-value
Charity, Trust or Advocacy Body (Baseline)	2.6108137	0.0441213	59.174	13.6101212	<.001
Company	-0.8921608	0.0705333	-12.649	0.4097693	<.001
Representative Body	-0.1084372	0.0707965	-1.532	0.8972352	0.12567
Sole Trader or Paid Individual	-0.7035414	0.3385098	-2.078	0.4948298	0.03773
Trade Union	0.3994196	0.1500973	2.661	1.4909592	0.00782

Deviance Residuals:

- Min: -6.371
- 1Q: -3.485
- Median: -2.391
- 3Q: 0.105
- Max: 39.162

(Dispersion parameter for quasipoisson family taken to be 37.17202)

Null deviance: 106507 on 4734 degrees of freedom

Residual deviance: 98558 on 4730 degrees of freedom

AIC: NA

Number of Fisher Scoring iterations: 6

### Annex 3.2: Effect of registrant sector on number of returns

The model found that there are effects of the Registrant Sector on the number of returns recorded on the Lobbying Register. The Agriculture, Fisheries, and Rural Affairs sector was set as the baseline sector. The significance of the baseline type indicates the number of returns associated with this sector is significantly different from zero. This suggests that registrants representing the Agriculture, Fisheries, and Rural Affairs sector significantly contribute to the returns on the Lobbying Register before all other types are considered.

The model then compares the remaining registrant types to the Agriculture, Fisheries, and Rural Affairs sector as baseline. There were no sectors producing significantly more returns on average. The model indicated the following sectors (ordered by largest magnitude of the difference to smallest) produce significantly less returns than Agriculture, Fisheries, and Rural Affairs on average:

- Education and Childcare
- Infrastructure, Construction, Engineering, and Manufacturing
- Consultancy, Accountancy, Banking, and Finance
- Transport, Planning, and Property
- Culture, Tourism and Sport
- Science, Medical, and Pharmaceuticals
- Energy and Utilities
- Business Representation and Service Delivery
- Legal Services and Law Enforcement
- IT, Telecommunications and Digital
- Food, Drink, and Hospitality
- Public policy and public administration
- Public relations and public affairs
- Equality, Social Issues, and Religion
- Retail and Leisure
- Health and Social Care.

The estimates indicate that registrants representing the Environment and Animal Welfare sector and Trade Union and Third Sector Representation sector produce returns at, respectively, a slightly higher (21.76 average returns) and lower (16.43 average returns) rate relative to the Agriculture, Fisheries, and Rural Affairs sector (19.59 average returns). However, these differences were non-significant which suggests the three registrant types may produce returns on the Lobbying Register at similar rates.

There is a non-significant difference in average returns between the baseline sector and Media, Press and Advertising even though the Media, Press and Advertising produce on average 51.25% fewer returns. It should be noted that the registrants representing the Media, Press and Advertising sector form a very small sample relative to the baseline. The non-significant difference may be due to the higher variability in average returns associated with small sample size rather than a reflection of similar rates of producing returns (see confidence intervals associated with the Media, Press and Advertising sector in the model visualisation). A small sample size of registrants may also underlie the non-significant difference between the International Development and Affairs sector and the baseline sector.



## Annex 3.2.1: Quasi-Poisson regression model assessing relationship between registrant sector and number of returns on the Lobbying Register

Registrant Sector	Coefficient Estimate	Standard Error of Coefficient Estimate	t-value	exponent	p-value
<b>Agriculture, Fisheries and Rural Affairs (Baseline)</b>	2.9749572	0.1282760	23.192	19.5887855	<.001
Business Representation and Service Delivery	-0.9742572	0.1971889	-4.941	0.3774727	<.001
Consultancy, Accountancy, Banking, and Finance	-1.4339432	0.2142161	-6.694	0.2383671	<.001
Culture, Tourism and Sport	-1.0841069	0.1872196	-5.791	0.3382037	<.001
Education and Childcare	-1.8024751	0.3510738	-5.134	0.1648903	<.001
Energy and Utilities	-1.0068286	0.1753756	-5.741	0.3653759	<.001
Environment and Animal Welfare	0.1052671	0.1552807	0.678	1.1110074	0.498
Equality, Social Issues, and Religion	-0.6252660	0.1492281	-4.190	0.5351190	<.001
Food, Drink, and Hospitality	-0.7762323	0.2057038	-3.774	0.4601364	0.002
Health and Social Care	-0.3094666	0.1416645	-2.185	0.7338382	0.001
Infrastructure, Construction, Engineering, and Manufacturing	-1.6498833	0.2081875	-7.925	0.1920723	0.030
International Development and Affairs	-0.4404362	0.2279944	-1.932	0.6437556	0.053
IT, Telecommunications and Digital	-0.8219877	0.2616975	-3.141	0.4395571	0.002
Legal Services and Law Enforcement	-0.9674892	0.2999867	-3.225	0.3800360	0.001
Media, Press and Advertising	-0.7184161	0.4439193	-1.618	0.4875238	0.106
Public policy and public administration	-0.7236654	0.3346830	-2.162	0.4849714	0.031
Public relations and public affairs	-0.6649300	0.1571795	-4.230	0.5143095	<.001
Retail and Leisure	-0.5302415	0.2089500	-2.538	0.5884629	0.011
Science, Medical, and Pharmaceuticals	-1.0290471	0.2093618	-4.915	0.3573473	<.001
Third Sector Representation and Trade Unions	-0.1757939	0.1830949	-0.960	0.8387909	0.337
Transport, Planning, and Property	-1.3031996	0.1782684	-7.310	0.2716612	<.001

### Deviance Residuals:

- Min: -6.371
- 1Q: -3.742
- Median: -2.358
- 3Q: 0.121
- Max: 35.178

(Dispersion parameter for quasipoisson family taken to be 34.49644)

Null deviance: 106507 on 4734 degrees of freedom

Residual deviance: 96581 on 4714 degrees of freedom

AIC: NA

Number of Fisher Scoring iterations: 6

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