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Explainer: The Lobbying (Scotland) Act 2016

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This explainer briefing provides an overview of the Lobbying (Scotland) Act 2016. It sets out which types of lobbying the Act regulates and what the Lobbying Register is. The briefing also outlines oversight arrangements and parliamentary scrutiny of the Act to date.



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Summary

The [Lobbying \(Scotland\) Act 2016](#) ('The Act') was passed on 10 March 2016 and came into force on 12 March 2018. The Act's stated aim is to increase transparency about certain types of lobbying, called '[regulated lobbying](#)'.

The Act established a public [Lobbying Register](#) which is operated by the Scottish Parliament. Those who engage in regulated lobbying must record details of their activity in the Lobbying Register. This includes information on who was lobbied, when the interaction took place, and its purpose.

[Oversight and enforcement of the Act](#) is the responsibility of the Clerk of the Scottish Parliament (in relation to monitoring compliance), the Ethical Standards Commissioner (with respect to investigations of complaints) and the Scottish Parliament (in relation to reports from the Ethical Standards Commissioner). The Act also includes criminal offence provisions for certain failures to comply.

The Act has been subject to [parliamentary scrutiny](#) since it was enacted. A statutory review by the Session 5 Public Audit and Post-legislative Scrutiny Committee in 2020-21 recommended that the Scottish Government should commission a full and independent impact assessment of the Act and provide this to the Scottish Parliament. The Session 6 Standards, Procedures and Public Appointments Committee recommended that further consideration of the Act should be an early priority in Session 7.

What is the Lobbying (Scotland) Act 2016?

The [Lobbying \(Scotland\) Act 2016](#) ('The Act') was passed on 10 March 2016. It received Royal Assent on 14 April 2016 and came into force on 12 March 2018. ¹

The Act's stated aim is [to increase transparency](#) about certain types of lobbying, defined as 'regulated lobbying' in the Act. ^{1 2}

What is regulated lobbying?

Regulated lobbying is face-to-face oral communication (including by using British Sign Language or 'otherwise made by signs') with any of the following people, when discussing Scottish Government or parliamentary functions ¹ :

- a member of the Scottish Parliament
- a member of the Scottish Government
- a junior Scottish Minister
- a Scottish Government Special Adviser
- the Scottish Government's Permanent Secretary.

Communication via e-mails, letters, social media, or phone calls does not constitute regulated lobbying, however, regulated lobbying can take place [via video conferencing](#). ^{1 3}

[Parliamentary guidance on the Act](#) further sets out that regulated lobbying must involve communication used to inform or influence decisions on behalf of the organisation for which a person is working. ³

The [schedule to the Act](#) defines a number of exemptions. ¹ These are types of communication which do not amount to regulated lobbying under the Act.

What exemptions are in place?

The Act includes exemptions for communications:

- made by individuals raising issues on their own behalf
- made where the MSP communicated with is the person's local (constituency or regional) MSP
- made by those who are unpaid
- made by those representing some small organisations
- made in formal proceedings of the Scottish Parliament or required under statute
- made in response to requests for factual information or views on a topic (from an MSP, Minister, Law Officer, etc.)
- made during quorate meetings of Cross-Party Groups (CPG) of the Scottish Parliament (i.e. when two MSPs who are members of the CPG are present)
- made for the purposes of journalism
- made during negotiations about terms and conditions of employment
- made by political parties and some public figures, bodies, and professions.

The Lobbying Register

[Part 2 of the Act](#) requires that the Clerk of the Scottish Parliament must establish and maintain a [Lobbying Register](#) ('The Register').¹ The Register is a public register of lobbying activity. It is operated by the Scottish Parliament and went live on 12 March 2018, the same day the Act came into force.⁴

The [stated purpose and public value of the Register](#) is:

“

- To increase transparency around lobbying activity”
- To allow the public to see who is engaging with MSPs and Ministers”
- To support openness and accountability in the democratic process”
- To provide a publicly accessible record of lobbying returns”

The Scottish Parliament, n.d.⁴

The Register must contain information on three categories of individuals or organisations: [active registrants](#), [inactive registrants](#) and [voluntary registrants](#).ⁱ ¹ The Act requires those who engage in regulated lobbying to register with the Lobbying Register and provide information about their activity through information returns.ⁱⁱ These contain information on who lobbyists have lobbied, when and where it happened and what the purpose of the lobbying was. There is no charge to register or submit information returns and the Register can be searched for free.³

[Parliamentary guidance](#) provides more detail on using the Register, including how to register and provide information returns.

At the time of publication on 16 July 2026, the Register contains details on over 1,700 individuals/organisations and has over 54,000 information returns published from those organisations.⁵ [Annual reports on the Register](#) provide information on registrations, information returns, and updates on the Register.⁶

i The Act allows for voluntary registration. This is where individuals or organisations wish to submit information to the Lobbying Register but might not otherwise be legally required to do so because exemptions in the Act mean that the lobbying they carry out does not constitute regulated lobbying.^{1 3}

ii Information returns must be submitted within six months (and an additional two weeks in some cases) of regulated lobbying taking place. There are further requirements for registration and returns for registered organisations who subsequently do not engage in regulated lobbying. [Parliamentary guidance](#) contains detailed information about time frames.^{1 3}

Oversight and Enforcement

Part 3 of the Act sets out oversight and enforcement arrangements.

The Clerk of the Scottish Parliament has a [duty to monitor compliance with the Act](#).¹ In practice, responsibility has been delegated to the Lobbying Registrar and team within the Parliament on a day-to-day basis.³ Under the Act, the Clerk of the Scottish Parliament has powers to issue [Information Notices](#). These can be served on existing users or others where there are grounds for believing that there has been engagement in regulated lobbying. The Information Notice sets out the information requested, the form it should be provided in, and the date by which this must be done. It also sets out the rights of appeal.¹

The [Ethical Standards Commissioner](#) is responsible for [investigating complaints about alleged breaches](#). Such complaints may be about alleged failures relating to:

- the requirements to register following a first instance of regulated lobbying
- the accuracy and completeness of registration information provided
- the accuracy and completeness of Information Returns provided
- the accuracy and completeness of information provided in response to an Information Notice.^{1 3}

In considering complaints, the Commissioner must first assess [whether the complaint is admissible](#) and if so, [investigate it](#) and [report on the outcome to the Parliament](#).¹ An upcoming SPICe briefing on the Commissioner sets out their role in more detail, including in relation to lobbying.

Upon receipt of a report from the Commissioner, the Parliament may direct the Commissioner to [carry out further investigations](#).¹ Ultimately, the Parliament [has the power to censure a person](#) where a breach is found to have occurred.¹ Responsibility for parliamentary oversight of the Act lies with the [Standards, Procedures and Public Appointments Committee](#).

The Act includes criminal offence provisions with associated penalties [including fines](#).¹ Certain offences under the Act are also [punishable by imprisonment](#).¹

Parliamentary scrutiny in previous sessions

[Section 50 of the Act](#) required that a Scottish Parliament committee must review the operation of the Act within two years of the Act coming into force and publish a report.¹ This review [was carried out by the Session 5 Public Audit and Post-legislative Scrutiny Committee](#) in 2020/2021.

In carrying out the review, the committee was required to:

- take evidence from such persons as it considers appropriate
- draft a report
- consult on a draft report and any recommendations it makes
- prior to publishing its final report, have regard to any representations made to the committee on the draft report, and its recommendations.¹

The Public Audit and Post-legislative Scrutiny (PAPLS) Committee launched a call for written evidence and took oral evidence as part of its scrutiny. In [response to the draft report](#) it published, then Minister for Parliamentary Business and Veterans, Graeme Dey, stated:

“ the Government remains of the view that it is appropriate for the Parliament to take the lead in reviewing the current system and identifying any necessary changes or amendments. [...] I note that the majority of the Committee’s recommendations are based upon the completion of a full impact assessment of the Act. Given the points made above about Parliament’s ownership of both the underlying policy and the operational oversight of the register, it would, from the Government’s perspective, appear to be more appropriate for the Parliament itself to commission that impact assessment in order to inform Parliament’s consideration of whether or not legislative change is required. Should it be concluded that further legislation is required this would seem to be most appropriately delivered by a Committee Bill rather than through a Bill sponsored by Government.”

Letter from then Minister for Parliamentary Business and Veterans, Scottish Government, 2021⁷

The [PAPLS Committee’s final report, published in March 2021](#), [recommended](#) that the Scottish Government should commission a full and independent impact assessment of the Act and provide this to the Scottish Parliament to inform a consultation on proposed legislative changes.⁸

Following a decision that the Session 6 Public Audit Committee’s remit would not include post-legislative scrutiny, it wrote to the Session 6 Standards, Procedures and Public Appointments (SPPA) Committee in September 2021 to highlight the post-legislative scrutiny undertaken during Session 5 and ask the SPPA Committee to consider following up on the recommendations made by the PAPLS Committee. The SPPA Committee subsequently commissioned SPICe to undertake a partial evaluation of the Lobbying (Scotland) Act 2016. [This evaluation](#), published in October 2023, found a potential imbalance between what the Act’s provisions allow for in terms of transparency and the

degree to which the public engages with the Register. The report also identified areas where the framework could be strengthened against international legislative benchmarks.⁹

Since the evaluation, several changes that do not require primary legislation have been made, or are being implemented, to improve the operation of the Lobbying Register. These include:

- The [Lobbying \(Scotland\) Act 2016 \(Modifications\) Resolution 2026](#) was made on 24th March 2026. It enables the Lobbying Registrar and team to improve communication with registrants, for example, to provide updates, notices and reminders that are important to registrants.
- Updates to the [Parliamentary Guidance](#) were approved by Ministers. These include a significant change to allow certain multiple lobbying interactions to be reported through a single return, reducing administrative burden on registrants.
- The current Lobbying Register system [is in the process of being updated](#) in order to improve efficiency, user experience, compliance monitoring, transparency and public access to lobbying information.

In relation to other changes requiring primary legislation, [the Session 6 SPPA Committee's legacy report](#) states:

“ Due to other work referred to the Committee, we were unable to progress with work on a Committee Bill during Session 6. We recommend that consideration of work in this area should be an early priority for the Session 7 Committee.”

Standards, Procedures and Public Appointments Committee, 2026⁹

The Scottish Parliament has also maintained oversight of the Lobbying Registrar and team through the [Standards, Procedures and Public Appointments Committee](#). The Lobbying Register's annual reports are sent to the SPPA Committee for this purpose.

Where can I find more information?

The Scottish Parliament has produced [guidance on the operation of the Act](#) as required by [part 4 of the Act](#).¹⁰ This includes:

- [Guidance on what counts as regulated lobbying, exemptions, and how to comply](#)
- [Common scenarios](#)
- [Frequently Asked Questions](#)

There is also a [Code of Conduct for lobbying MSPs](#). This Code is not just about regulated lobbying, it also covers any kind of communication with an MSP in relation to their role.

The Lobbying Register webpage contains [infographics based on published information returns](#) which may be of interest.

As set out above, SPICe was commissioned by the Session 6 Standards, Procedures and Public Appointments Committee in 2023 to undertake a [partial evaluation of the Lobbying \(Scotland\) Act 2016](#).

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