



**Response from the Royal College of Physicians of Edinburgh to the  
Scottish Parliament's [Public Audit and Post-legislative Scrutiny Committee](#)  
[call for views](#) on the operation of the Lobbying (Scotland) Act 2016.**

The Committee is seeking views on the operation of the whole Act. However, section 50(4) of the Act highlights two specific areas where recommendations for change may be made. It provides that a final report may, in particular, make a recommendation to extend the circumstances in which the 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.

**1. In your view, what concerns was the Lobbying Act seeking to address?**

Perceived concerns of the general public that relationships between the third sector and MSPs, Scottish Government ministers, and civil servants are not transparent particularly in relation to business.

**2. Two years' on, has the Lobbying Act addressed those concerns? In particular, has the Act added value? If so, in what way? For example, has the Act improved transparency? Do you think it has changed the way lobbying is carried out?**

It is unclear whether the Lobbying Act has addressed the public's concerns, or whether this is a key issue for members of the public. From the College's perspective, any lobbying of MSPs or Scottish Government ministers was already strictly professional. The College is unsure as to whether the Act has added value for the general public, and would encourage the Committee to investigate this. For example, the Committee could examine the extent to which the lobbying register has been used by members of the public and why. From the College's perspective, the Act has not added much value in the day-to-day operations of our organisation. The Act may have improved transparency at a largely superficial level, as only face to face meetings are regulated and there are multiple ways to engage with politicians which can bypass the need to register an interaction if so desired.

**3. Do you support a legislative approach to regulating lobbying activity? If so, why? If not, for what reason? Has your view on the value of a legislative approach changed since the commencement of the Lobbying Act?**

Not in its current form. The Act is a disproportionate administrative burden to what are often small charities, with limited resources and staff numbers (as opposed to large organisations/businesses), and who are only seeking to represent the interests of their members – whether it is patients, interest groups or members of a profession. The College's view of the lobbying register has not changed since it was implemented.

**4. In your view, is the Lobbying Act working in the way it was intended? If not, why not? What needs to change to ensure that it is working as intended (i.e. without making changes to the legislation)?**

This is unclear. The efficacy of the Act really depends on how well the lobbying register is used, and whether it provides any material benefits to the general public. If this cannot be proven, then questions must be asked about whether the Act is fulfilling its purpose as a means to address a perceived lack of transparency. It may be helpful to differentiate between lobbying for business interests and lobbying for non-business interest e.g. representing the non-monetary interests of patients.

**5. Could the legislation be improved in any way? If so, please indicate why and in what way? In particular, do you have any views on whether the changes should be made to the following (please indicate why and in what way):**

**A. the Act covers lobbying to a Member of the Scottish Parliament, a member of the Scottish Government, a junior Scottish Minister, a law officer, a special adviser or the permanent secretary. Does the Act cover the right groups of decision makers?**

Yes.

**B. the Act requires face-to-face communications, including via video conferencing and other similar means, which are also regulated lobbying to be registered. Are these the right communications to capture?**

Yes. However, the Act does not cover telephone calls or text messages for example. If the Act were extended to include such forms of communication it would add a large administrative burden and be very invasive. We do not believe that the Act is designed to infringe on the privacy of those who lobby, nor those who are lobbied, including MSPs and Scottish Government ministers. The Act should not be extended to cover communications such as telephone calls or text messages. This may lead to a more authoritarian and anti-democratic approach to the recording of lobbying.

**C. the circumstances in which a person undertaking "regulated lobbying" is required to provide information, to be included in the register, about costs incurred by them when engaging in regulated lobbying. Bill assumptions v. reality of the Act**

N/A.

**6. Have assumptions made at the Bill's introduction in its Financial Memorandum and Policy Memorandum and during its passage through Parliament held true (for example, on costs or impact) and, if not, why not?**

N/A.

**7. Are there any other issues you would like to raise in connection with the operation of the Lobbying Act?**

We would like to reiterate that the Act does not provide any material benefits to third sector organisations, such as charities, which regularly represent the interests of their members to MSPs and Scottish Government Ministers. Instead, the Act creates a disproportionate administrative burden particularly for small charities with limited resources and staff numbers, and can be difficult to manage in organisations where multiple people may have separate meetings with MSPs or Scottish Government ministers. This is not easy to track, particularly for the named person

responsible for managing an organisation's lobbying register submissions.

Therefore, it is vital that the Committee takes into account the impact of the Act on third sector organisations, including charities. It is paramount, too, that the Committee examine the efficacy of the Act in achieving its goals. We would suggest that the Committee examine whether the public are using the lobbying register effectively and whether they find it useful, which should be a data driven exercise. Finally, given that some organisations lobby for business interests and some don't, it may be helpful to differentiate between them.