

QUARTERLY NEWS UPDATE

Update on Quarterly Information Returns for July-September 2017

At the end of June 2017, there were 130 registrants live on the Register: of these, three submitted their Quarterly Information Return after the statutory deadline. The Office issues warning letters to them; and where appropriate, the Registrar also speaks to the organisations that miss the deadline. So far, it has not been considered necessary to consider enforcement action, but multiple transgressions could cause that to happen. It is not acceptable to miss deadlines—the Office takes a lot of trouble to remind registrants of the forthcoming submission deadline, and everyone should now know when the dates are.

During the summer, the Office conducted an audit of the accuracy of information submitted from the date of opening of the Register. There were over a hundred instances of the same client being declared (either by the same registrant or different ones) but spelt or punctuated differently (which makes searching for clients problematic). The introduction in the last technical update of drop-down menus for clients should help to alleviate this problem going forward, but registrants are asked to check that they always use the same spelling and punctuation for their clients. The audit also discovered two instances of registrants declaring codes of conduct for organisations they were not members of. It is very important that correct declarations about codes of conduct are made, and if registrants cease their membership that they advise the Office to make the necessary change to the Register on the same date.

If any organisation has concerns that any of its past information may not be correct, for whatever reason, then please contact the Office for help in making the necessary corrections. The Registrar wishes to remind registrants that the onus is on them to ensure their records are correct and up to date at all times. Changes made will appear on the face of the Register, so it is clear what has been amended.

Information publication and retention guidance-consultation

In my August newsletter, I said that it was my intention to refresh my guidance relating to Information publication and retention. This followed stakeholder feedback about the length of time for which notes (which include details of penalty notices and changes made to the face of the Register, for example after instances of over-declaration) that appear on the face of the Register should continue to be displayed. Currently such notes remain indefinitely.

There are also a number of other areas which merit further consideration, and following my normal practice, I highlight those and seek feedback from stakeholders to inform my review, prior to issuing updated guidance in due course.

The Consultation will run until 31 October and stakeholders are encouraged to answer the questions as fully as possible, submitting responses to enquiries@orcl.gov.uk. The consultation may be found at:

<http://registrarofconsultantlobbyists.org.uk/wp-content/uploads/2017/09/ORCL-Information-Publications-and-Retention-Consultation.pdf>

Registration requirements for serving parliamentarians

Recent media reports have highlighted a number of serving parliamentarians who appear (as partners or directors) on the Register. It should be noted that there is no requirement in the legislation to provide the names of those that actually conduct relevant communications, and it should not be inferred that any partner or director is personally conducting such activities. It should also be noted that a shareholder may not be a director or vice versa.

The legislation provides that payments made to serving parliamentarians for performing their parliamentary duties are not included in establishing whether communications are registrable. So, therefore if serving parliamentarians conduct communications with Ministers in the context of parliamentary business (for example, on behalf of constituents), those communications are not registrable (even if the person is VAT registered). However, if the parliamentarian were to conduct relevant ministerial communications on behalf of a third party and receive payment for that, potentially that parliamentarian would need to be registered.

In those circumstances, establishing whether the parliamentarian was in breach of parliamentary codes of conduct would be a matter for the Parliamentary Standards Commissioner and not the Registrar.