

Office of the Registrar of Consultant Lobbyists
Guidance on registration and quarterly information returns
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1. Introduction

This guidance sets out the main requirements for registering and providing information as a consultant lobbyist under the [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014](#) ('the Act').

The Act sets out two key obligations on those who engage in consultant lobbying as defined by the Act:

- To register as a consultant lobbyist before conducting any consultant lobbying activity.
- To submit details each quarter of clients on whose behalf they have lobbied or been paid to lobby for in that period.

The definition of consultant lobbying in the Act can include the activities of some who may not consider themselves to be lobbyists. The test is whether the activity falls within the statutory definition.

This guidance should be read alongside the Act and other guidance issued by the Registrar of Consultant Lobbyists. It does not aim to deal with unusual or complex situations and the Office of the Registrar of Consultant Lobbyists ('the Office of the Registrar') is happy to provide further information or guidance in specific cases.

This guidance supersedes:

- *Guidance on registration and quarterly information returns* (June 2019)
- *Specialist guidance on All-Party Parliamentary Groups and their support service providers* (March 2017)
- *Specialist guidance on think tanks* (December 2015).

2. Requirement to register

2.1. Who must register?

Any person or organisation carrying out the business of consultant lobbying as defined by the Act must be entered in the Register of Consultant Lobbyists.

Individuals making communications in the course of their employer's business do not need to register - only the employer is required to be registered. Those who are lobbying on behalf of their own organisation (in-house lobbyists) do not need to register.

It is an offence to carry on the business of consultant lobbying if an individual or organisation is unregistered. It is also an offence if an entry in the Register is incomplete or inaccurate. See separate Guidance on compliance, offences and penalties.

2.2. The criteria for consultant lobbying

Organisations and individuals are considered to be carrying out the business of consultant lobbying if they fulfil these three tests:

- 1) They make oral, written or electronic communications personally to a Minister of the Crown or Permanent Secretary (or equivalents specified in the Act), relating to:
 - a) the development, adoption or modification of any proposal of the government to make or amend primary or subordinate legislation
 - b) the development, adoption or modification of any other policy of the government
 - c) the taking of any steps by the government in relation to any contract, agreement, grant, financial assistance, licence or authorisation; or
 - d) the exercise of any other function of the government.

and

- 2) The communication is made in the course of a business and in return for payment on behalf of a client, or payment is received with the expectation that the communication will be made at a later date.

and

- 3) They are registered under the Value Added Tax Act 1994.

2.3. What communications are registerable?

Communications made personally:

Making communications personally means communicating with a UK Government Minister or Permanent Secretary (or equivalent) by name or by title, using oral, written or electronic communication. This means that:

- Communications made to a government department, special adviser, administrator, private secretary or private office are not registerable. However,

communications addressed to a Minister but sent via a private office would have to be registered.

- If the communication is an invitation and contains material that meets the criteria for consultant lobbying, then it is registerable.
- Informal communications (for example at a social event or conference) are registerable, if they otherwise meet the criteria for consultant lobbying.
- A communication from a Minister or Permanent Secretary (even if sought via an RSVP) does not need to be registered.

Role of the consultant lobbyist:

Where the consultant lobbyist has any involvement in a communication on behalf of a paying client in relation to government business, this will generally be registerable. This means that, for example, the following activities are registerable:

- A communication in the client's name is sent by a consultant lobbyist to a Minister or Permanent Secretary with a covering note from the lobbyist, and/or from the lobbyist's email address. This is registerable irrespective of who drafted the communication and the contents of the consultant lobbyist's covering email or letter.
- A consultant lobbyist arranges with a Minister or Permanent Secretary for a client to meet them, with or without the consultant lobbyist. The act of arranging the meeting is registerable if the communication is directly with the Minister or Permanent Secretary.
- A consultant lobbyist accompanies a client to a meeting with a Minister or Permanent Secretary. This is registerable whether or not the consultant lobbyist actively participates in the meeting.

Where a consultant lobbyist drafts a document for a client and the client sends this directly to a Minister or Permanent Secretary with no involvement by the consultant lobbyist in the transmission of the communication, this is not registerable.

Subject matter:

A communication only needs to be registered if it relates to government business as defined in the criteria. Government business does not include matters purely relating to local government, such as writing to a constituency MP who is also a Minister about a local planning issue. But if that planning issue is called-in for decision by the Secretary of State, then any communications from that point would need to be registered as they then involve a function of government.

If the criteria for consultant lobbying are met, a communication triggers the requirement to join the Register whether or not:

- the subject of the communication is related to the Minister's portfolio or Permanent Secretary's department;
- the subject is considered to be a party issue;

- the Minister is considered – or considers themselves - to be acting as a constituency MP or in any other non-Ministerial capacity.

Social media:

If a social media message is directed to an official or personal account and fits the criteria for consultant lobbying, this will require registration. However, if a message refers to an account indirectly, such as mentioning that the Minister is speaking at an event and tagging the Minister’s account, then this would not require registration.

Location:

It does not matter where the communication is made, or whether the context is formal or informal - it could be a face-to-face meeting, within a government office, at a restaurant, at a party conference, or made from overseas. If the criteria for consultant lobbying are met, then this will trigger the requirement to register the activity.

Planned or not:

Direct communications can be planned or unplanned – a chance encounter with a Minister would be registerable if all the other criteria are fulfilled.

Timing:

Only communications to a Minister or Permanent Secretary (or equivalents) in post at the time when an act of consultant lobbying is carried out need to be registered. Any communications made before they are in post or after they have left their post will not trigger the need for registration.

Who initiates:

If a Minister or Permanent Secretary initiates communication with an organisation and in the subsequent course of the exchange, the criteria for consultant lobbying are met, then the organisation is required to join the Register and register the activity. It does not matter that the Minister initiated the communications (and that the initial contact from the Minister is not itself registerable).

2.4. What are positions ‘equivalent to’ Permanent Secretary?

Communications to those in positions equivalent to Permanent Secretary are also registerable. The Act defines these as:

- Cabinet Secretary
- Chief Executive of Her Majesty’s Revenue and Customs
- Chief Medical Officer
- Director of Public Prosecutions
- First Parliamentary Counsel
- Government Chief Scientific Adviser
- Head of the Civil Service
- Prime Minister’s Adviser for Europe and Global Issues.

2.5. Communicating on behalf of multiple clients

A consultant lobbyist might make a communication on a single issue on behalf of multiple clients. If the consultant lobbyist is being paid by all clients for this communication, they have to register each client's name in their Quarterly Information Return.

2.6. When is a communication considered to be made?

A communication is considered to be made when it is sent to a Minister or Permanent Secretary (or equivalent), It does not matter if the recipient does not receive the communication. If the criteria for consultant lobbying are met, then the communication is registerable.

2.7. What constitutes payment?

Lobbying "in the course of a business" means that an individual or organisation is engaged in lobbying as a commercial activity and in return for payment.

Payment can be in any form and can be made directly or indirectly, so a consultant lobbyist cannot avoid registration by receiving payments via a third party. Payment might be made for a specific communication or as a retainer for a range of work only some of which are relevant communications. It makes no difference whether the person or organisation making the payment is the person or organisation on behalf of whom the communications are made, though there must be some expectation on the part of the payer that there will be relevant communication made on behalf of the beneficiary of that communication.

Lobbying which is conducted without payment, for example as pro-bono, is not required to be registered.

If an employee is on annual or unpaid leave or is seconded to or working for a Minister or client, but is still under the direction of their employer, any activity within the definition of consultant lobbying would be registerable. By contrast, if they were under the direction of the Minister or client the activity is not registerable.

In the case of indirect payments, it is the nature of the relationship and expectation of the client, which are important. The fact that direct communications are not listed specifically in a contract or an invoice would not preclude the requirement to register, if the client's expectation was that direct communications with a Minister or Permanent Secretary would take place.

3. Registering and keeping information up to date

3.1. When to join the Register

The Act specifies that an individual or organisation must not carry on the business of consultant lobbying unless they are entered in the Register of Consultant Lobbyists. The criteria for consultant lobbying are set out in part 2 of this guidance.

Any person or organisation intending to conduct the business of consultant lobbying must therefore be entered into the Register before doing so.

They may register in advance of carrying out lobbying activities (or receiving payment to do so) even if there are no specific lobbying activities envisaged at the point of registration, if such activities are envisaged at some point.

3.2. Pre-registration quarter

The Act requires registrants to declare if they were paid for consultant lobbying in the three months before they applied to join the Register. For the avoidance of doubt, such activity would be a breach of the provisions of the Act which require registration before any consultant lobbying is conducted.

3.3. Information required at point of registration

This information is required at the point of registration:

Companies:	<ul style="list-style-type: none"> Name, registered number and address of registered office The names of directors and any secretary and shadow directors*
Partnerships:	<ul style="list-style-type: none"> The names of all partners and the address of its main office or place of business
Individuals:	<ul style="list-style-type: none"> The individual's name and the address of their main place of business or, if there is no such place, their home or business address where they may be contacted
All	<ul style="list-style-type: none"> VAT registration number
All	<ul style="list-style-type: none"> Any other name or names under which the person or organisation carries on business as a consultant lobbyist
All	<p>A statement of:</p> <ul style="list-style-type: none"> whether there is in place an undertaking to comply with a relevant code of conduct, and if so, where the code may be inspected

*A shadow director, is a person in accordance with whose directions or instructions the directors of the company are accustomed to act.

3.4. Trading divisions and subsidiaries

If the consultant lobbying activity is carried out by a trading division of a parent company, the directors of the parent company should be declared if the trading division is not itself a company and does not have its own legal personality.

Only the directors of the trading division need to be declared if it is a company with a distinct legal personality.

Senior managers of a trading division need to be declared if they are also directors or shadow directors of the parent. A senior manager of a trading division who makes important final decisions on lobbying activity should be considered for this purpose a shadow director of the parent and should be declared.

3.5. Declaring a code of conduct

When joining the Register, registrants have to declare “whether there is in place an undertaking ... to comply with a relevant code of conduct” and if so, where that code can be found.

There is no obligation under the Act to subscribe to any code of conduct, but if the registrant does not subscribe to a code, the Register must state this.

Undertaking to comply

Registrants who wish to declare compliance with a code of conduct will need to sign the following undertaking and to confirm alongside each Quarterly Information Return that it remains in place:

[Insert name of registrant] (“the registrant”) undertakes to comply with the code of conduct that can be found at [Insert online link to code] in relation to its consultant lobbying activity under the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (“the Act”). The registrant will ensure that all those engaged in or participating in consultant lobbying activity on behalf of the registrant will comply with the stated code of conduct.

What is a ‘relevant code of conduct’?

Under the Act a ‘relevant code of conduct’ is one that ‘governs the carrying on of the business of consultant lobbying’. Registrants will need to demonstrate that any code they wish to declare on the Register meets this test.

To be ‘relevant’ a code of conduct must:

- Go beyond setting out general, good professional behaviour and must contain provisions that are of particular relevance to the way that consultant lobbying activity is carried out. A code that fails to recognise a consultant lobbyist’s responsibilities to those to whom representations are made is unlikely to be ‘relevant’.
- Include some oversight or control not carried out by the registrant themselves. This oversight might be demonstrated in a number of ways, including, for example, by an external adjudication or arbitration process defined in the code, or by the mechanisms of a professional body. A registrant can choose to develop and adhere to a ‘self-authored’ code, but to be considered ‘relevant’ and to appear in the Register, it must contain this external element.

Code of conduct written for individuals

A code of conduct that is written for individuals (perhaps members of a professional body) can only be declared by an organisation if every member of the organisation subscribes

to that code. This might be demonstrated in a number of ways, including, for example, through terms in contracts of employment, monitored training, individual sign-up or other compliance processes. Such codes will also need to meet the tests of relevance to the way that consultant lobbying is carried out and include some external oversight or control.

3.6. Updating Register information and contact details

The information that registrants must declare about themselves on the Register is shown in 3.3 of this guidance. It is the responsibility of registrants to subsequently keep this up to date by including all changes in their next statutory Quarterly Information Return (see section 4 below). It is an offence to fail to do this or do so in a way that is incomplete or inaccurate.

The Act requires the Registrar to use the address that the registrant gives on the Register for a number of formal communications. It is therefore important that registrants receive mail from their registered address. If that address changes, registrants should notify the Office of the Registrar immediately and must also include the change on the next Quarterly Information Return.

In addition to the published information on the Register entry, registrants also provide the Office of the Registrar with contact details (emails and phone numbers) for one or more contacts. This allows the Office of the Registrar to contact registrants in order to communicate important information and resolve any queries easily and quickly. Registrants should therefore ensure that such contact information is accurate and up to date by notifying the Office of the Registrar of any changes as soon as they occur (most obviously following staff changes). Failing this, registrants risk not receiving important information from the Office of the Registrar.

3.7. Leaving the Register

If a registrant discontinues the business of consultant lobbying, they may advise the Registrar that they wish to be removed from the Register. The effective date of leaving the Register will be the date on which the notification is received by the Office of the Registrar or a later date if requested.

- After leaving the Register, a note will appear on the registrant's page confirming that they have discontinued the business of consultant lobbying.
- Historical registration information will be kept on the live Register until the end of the calendar year, when that Register is then archived.
- Should they leave the Register part way through a calendar year, the registrant will be paid a pro rata refund of the remainder of the year's fee.
- If the registrant wishes to recommence the business of consultant lobbying, they must reapply to join the Register and pay the appropriate fee before any consultant lobbying takes place or payment is received for it.

4. Quarterly Information Returns

Registered consultant lobbyists must under the Act submit a Quarterly Information Return within 14 days after the end of each quarter, starting with the quarter immediately prior to registration. This means:

<i>Quarter to which QIR relates</i>	<i>Period during which QIR must be submitted</i>
1 January – 31 March	1 - 14 April
1 April – 30 June	1 – 14 July
1 July – 30 September	1 – 14 October
1 October – 31 December	1 – 14 January

A Quarterly Information Return should not be submitted before the end of the period to which it relates: this is considered to be an incomplete return.

A failure to complete a Quarterly Information Return by the statutory due date is likely to result in a civil penalty being issued to the registrant in question.

4.1. Contents of the Quarterly Information Return

The following information must be provided in each Quarterly Information Return:

- The names of clients in relation to whom payment was received in the quarter for consultant lobbying activity, whether or not the lobbying has yet been done (but see note on retainer payments below).

And

- The names of clients on whose behalf consultant lobbying was done during the quarter, whether or not payment has yet been received.

Or

- A statement that the registrant did not engage in lobbying or receive payment for lobbying during the quarter.

Each Quarterly Information Return must also include details of changes to any of the registrant's information on the Register (as specified in section 3.3).

Clients' names must be provided correctly and in full, without using acronyms, unless the acronym is the registered name of the client. Client names must be provided consistently across quarters.

A single act of consultant lobbying on behalf of a client triggers the need to submit the name of that client in the Quarterly Information Return. Registrants do not need to list how many individual communications were made on behalf of a client.

A client must be declared if either lobbying has taken place or payment has been received in a quarter. This means that the same client may be declared in two different quarters for the same lobbying activity. However, a retainer payment does not trigger the need for a client declaration unless relevant direct communication has taken place.

4.2. Client confidentiality

The disclosure of clients' names is required by the Act irrespective of expectations of client confidentiality. Consultant lobbyists who are required to register may need to inform their clients accordingly.

4.3. Nil returns

Registrants who have not made any communications that meet the criteria of consultant lobbying within a quarter must still submit a Quarterly Information Return stating this within 14 days of the end of the quarter. This 'nil return' will be displayed on the Register

If a registrant makes two successive nil returns, the Registrar will mark the registrant's entry on the Register 'This registrant is not an active consultant lobbyist'.

Registrants who remain on the Register but are inactive continue to have the same obligations under the Act as active consultant lobbyists, including paying the annual fee and making Quarterly Information Returns. Such registrants may undertake consultant lobbying activity at any time whilst remaining registered.

An inactive registrant may choose to leave the Register, but will need to re-register if they subsequently wish to undertake consultant lobbying activity (see 3.7 of this guidance). The Registrar retains the power under section 6(6)(b) of the Act to remove an entry from the register.

5. Exceptions from registration

The Act provides that the following categories of activity do not require registration:

5.1. Lobbying that is incidental to non-lobbying activities

A person does not carry on the business of consultant lobbying when they make a communication if:

- a) they carry on a business which consists mainly of non-lobbying activities, and
- b) the making of the communication is incidental to those activities.

Incidental means ancillary or a minor accompaniment to the main focus of a business (which is not lobbying).

The making of communications is not incidental when it is a substantive part of the main business, either by volume or significance to the client offering. Therefore, if lobbying is a minor proportion of an organisation's activities, but is an important part of its client offering, it is unlikely to be 'incidental'. And if lobbying is a significant proportion of a business's activities it will not be 'incidental' even if clients see it as a minor component of the organisations offering.

It may be that the main focus of a business is law, accountancy, management consultancy or any other, but the subjects on which the organisation communicates with Ministers or Permanent Secretaries and/or the method and frequency of the communications, requires them to register.

For example, the organisation may have a team, partner or other employee, whose job it is to communicate with Ministers and Permanent Secretaries on behalf of the firm's clients. The fact that the firm considers this service incidental to their business does not mean that they are not lobbying.

5.2. Membership organisations

Organisations that represent a particular class or body of people, whose income is derived wholly or mainly from those people and who communicate on behalf of those people in a way that is an incidental part of that general activity are exempt from the requirement to register.

Both parts of the test must be satisfied for the exemption to apply: the lobbying is on behalf of a class or body of people and is also incidental to the organisation's activities.

The 'class or body of people' includes, for example, workers, professional-body or trade-body members or club members.

If lobbying is conducted on behalf of a client who is not represented by that trade or membership organisation, this is an act of consultant lobbying and will need to be registered, regardless of whether or not they are a trade or membership organisation.

5.3. Governments outside the UK and international organisations

If the communicator is an official or member of staff of a sovereign power or government outside the UK or an international organisation, registration is not required.

However, a consultant lobbying organisation representing a government outside the UK or an international organisation would be required to register and declare this government or organisation as a client if they meet the criteria of consultant lobbying.

6. Think tanks and providers of services to APPGs

Whether or not an organisation or person is operating as a consultant lobbyist is judged in each case against the provisions of the Act, in particular the criteria for consultant lobbying.

The tests for all types of organisations (including charities and non-profits) are the same, however, some issues may be more significant for think tanks and those who provide support services to All-Party Parliamentary Groups and guidance is given below.

6.1. Think tanks

The criteria for consultant lobbying should, in most cases, determine whether an activity requires registration as consultant lobbying. In addition, the following issues may be relevant when considering whether a think tank is conducting registerable consultant lobbying activity:

Is the communication ‘in return for payment’?

The nature of a payment from a funder to a think tank helps to determine whether a communication is ‘in return for payment’.

If funding is provided to a think tank specifically in return for arranging access to Ministers, or for a specific project with the expectation that the end product (for example, a report or an event) will be used to communicate with a Minister or Permanent Secretary about Government policy, then this is likely to be registerable. A demonstrably generic donation not connected to a particular end product is unlikely to be registerable.

Is the communication ‘on behalf of a client’?

If funding is provided for a specific project, but the funder cannot exercise control over the outcome of the project, the activity is unlikely to be registerable. This is because any resulting communication would be expressing the think tank’s views, rather than being on behalf of a client. The absence of control by a funder might be demonstrated by an independence clause in the funding agreement or contract.

6.2. Providers of support services to All-Party Parliamentary Groups (APPGs)

Some organisations that provide support services to APPGs (“Support Providers”) will need to register as consultant lobbyists. In particular, if relevant communications are made to a Minister or Permanent Secretary (or equivalent) by the Support Provider on behalf of the APPG (or its individual members) and in return for payment, then that activity will be registerable.

The following issues may be relevant when considering whether a Support Provider is conducting registerable consultant lobbying activity:

Who is the client?

The consultant lobbyist must declare clients for whom they conduct registerable activity on their Quarterly Information Return. The client or clients are the organisations or persons on whose behalf communications are made. The client may or may not be the person making the payment.

The activities of APPGs are often supported by members, including charities, commercial organisations or individuals. The client or clients for a single instance of lobbying can be the APPG as a whole or one or more of its members – this is determined on a case-by-case basis.

Where a Support Provider paid to represent an APPG makes a relevant communication to a Minister or Permanent Secretary, in most cases it will be making that communication (at least partly) on behalf of the APPG as a whole. In that case the APPG should be declared as the client on the Register.

The purpose of the Act is to ensure that it is clear whose interests the consultant lobbyist is representing. Therefore, in some circumstances some members of the APPG may also be clients whose names need to be declared on the Register. This might, for example be the case when the APPG is the conduit through which members of a particular industry

make their views known to government. The test is: who is or are the organisation(s) or individual(s) on whose behalf the lobbying is done.

The declaration on the Register should read: 'Lobbying done / to be done on behalf of [LIST APPG AND/OR OTHER ORGANISATIONS]'.

Role of the Support Provider:

The criteria for consultant lobbying mean that an activity is registerable if it relates to government business and if the communication is made by the Support Provider on behalf of another organisation or individual. Therefore:

- If the Support Provider drafts letters, reports or agendas that relate to government business and these are issued by or signed by (for example) the Chair of the APPG or a member organisation (and not by the Support Provider), this activity will not be registerable.
- If a communication signed by an APPG is attached to a covering email or letter to the Minister from the Support Provider this is likely to be registerable, whether or not the covering text refers to government business.
- If the Support Provider accompanies a representative of the APPG or client to a meeting with a Minister or communicates with a Minister to arrange a meeting on behalf of a client this is likely to be registerable activity, whether or not the Support Provider actively participates in the meeting.

If administrative work might lead the Support Provider into relevant communications (for example an unplanned conversation with a Minister), then the Support Provider must register as a consultant lobbyist ahead of those communications. It is unlawful to communicate without registration.

Payment

The criteria for consultant lobbying includes both direct and indirect payment. It does not matter whether the person making the payment is the person on behalf of whom the communications are made and it does not matter whether a particular payment relates to a particular communication.

The critical issue is that if there are relevant communications, the organisation must be registered however complex its funding model might be. What matters is whether the Support Provider receives payment in return for making relevant communications on behalf of its clients.