

Consultation on the incidental exception and APPG secretariats March 2022

Registrar's conclusions – 21 April 2022

From 3 March 2022 to 1 April 2022 the Registrar of Consultant Lobbyists consulted on:

- The incidental exception
- All-Party Parliamentary Group (APPG) secretariats

The [consultation](#) and [responses](#) to it are available on the Office of the Registrar's website.

The Registrar has considered the responses in the context of his duties under the Act and has reached the conclusions below.

The Registrar will publish amended guidance in due course. Current guidance remains in force until the revised guidance is published.

The incidental exception

Consultation:

The incidental exception, as defined in the Act, is complex and the interpretation of words such as 'incidental' and 'mainly' is not always clear or universally agreed. The Registrar's guidance therefore seeks to illustrate how he will exercise his functions in relation to this.

In order to aid clarity, consistency and ease of interpretation, the Registrar is proposing to amend this part of the guidance as set out in the consultation document.

Question 1: What are your views on the proposed revised guidance?

Question 2: How might the proposed guidance be made clearer or simpler, within the confines of the Act?

Respondents supported the proposed revised guidance.

A number of respondents wished to see additional changes, for example "all lobbying should be registrable if it is for commercial purposes" or there should be a new test based on 'unfair advantage' that any lobbying may give.

Others commented that the Act is not 'fit for purpose', but welcomed the "attempts ... to seek to capture a wider and truer reflection of lobbying activity" in the proposed guidance. One said "we do not believe the proposed guidance can be 'made clearer or simpler' because the Act does not allow for it to be so."

Registrar’s conclusions:

The Registrar will amend the guidance on the incidental exception in line with the consultation proposals in the next revision.

Guidance must be set within the legal framework of the Act. Addressing the wider concerns that respondents expressed would require legislative change and therefore go beyond the powers of the Registrar.

All-Party Parliamentary Group (APPG) secretariats

Consultation:

Part 6.2 of current guidance looks at issues that are relevant to ‘Providers of support services to All-Party Parliamentary Groups (APPGs)’. These ‘support providers’ are more generally known as ‘secretariats’ and the Registrar proposes to use that description in the next version of the guidance.

The Registrar proposes to amend this part of the guidance, to give greater simplicity about who should be declared as clients by secretariats. The purpose of the Act is to ensure that it is clear whose interests a consultant lobbyist is representing. Therefore, the proposed guidance provides that the APPG and all external funders must be declared as clients. The proposed revision is set out in the consultation document.

Question 3: Do you agree or disagree with using ‘secretariat’ rather than ‘support provider’ in the guidance? If you disagree, please say why.

Question 4: What are your views on the proposed revised guidance as to who are the clients of a secretariat?

All but one respondent supported the use of ‘secretariat’ rather than ‘support provider’.

All but one who responded to question 4 agreed with the proposed revised guidance.

One respondent considered that information about APPG funders was already publicly available, so the proposal was a duplication.

One respondent commented on the issue of secretariat staff being holders of Parliamentary passes. This is beyond the Registrar’s remit.

Registrar’s conclusions:

The Registrar will amend the guidance on APPG secretariats in line with the consultation proposals in the next revision.

In order to aid clarity, the revised guidance will explain that ‘secretariat’ and ‘support provider’ are sometimes used interchangeably.