

Guidance from the Registrar of Consultant Lobbyists

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Office of the Registrar of Consultant Lobbyists

1 Horse Guards Road (Room 3.26)

London, SW1A 2HQ

020 7271 8827

office@orcl.gov.uk

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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').

Those who engage in [consultant lobbying](#) as defined by the Act have two key obligations:

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

Organisations of any kind and individuals must register if they engage in [consultant lobbying](#). Whether or not a business considers itself to be a public affairs company or lobbyist is irrelevant. The test is whether their activities fall within the statutory definition.

Where this guidance refers to 'Minister', this includes Permanent Secretary and the [equivalents](#) specified in the Act.

The requirements of the Act are separate to rules administered by other bodies such as professional regulators, the Independent Adviser on Ministerial Standards, the Civil Service Commission, the House of Lords Commissioners for Standards, the Parliamentary Commissioner for Standards or the Foreign Influence Registration Scheme (FIRS). It is your responsibility to understand any separate rules that you may be subject to in addition to the Act.

This guidance should be read alongside the Act. 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.

In addition to this guidance, a number of common misconceptions are explained in our [Frequently Asked Questions](#).

This guidance supersedes: Guidance on registration and quarterly information returns (July 2023) and Guidance on compliance (March 2024).

This version merges Guidance on registration and Guidance on compliance into a single document and includes minor changes throughout to aid clarity, with more significant changes:

3.3: to clarify the requirement to declare any pre-registration consultant lobbying

3.5: greater detail on separate registration of trading subsidiaries

8.2.1: requiring representations in response to a notice of intention to impose a penalty to be on the form provided with the notice

8.3: greater detail on liability for offences

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 (“the Register”).

Businesses, organisations and individuals must register if they engage in consultant lobbying. Whether or not an organisation considers itself to be a public affairs company is irrelevant; the test is the nature of the activity they conduct on behalf of clients. There is no general exemption for charities or non-profits.

Those who lobby on behalf of their employer (sometimes called ‘in-house lobbyists’) do not need to register. Non-executive directors are generally not considered to be employees and would need to register any activity that otherwise meets the tests for consultant lobbying.

Individuals making consultant lobbying communications in the course of their employer’s business do not need to register personally - only the employer must register.

It is an offence to carry on the business of consultant lobbying when unregistered. Both the business and the individuals conducting unregistered lobbying are liable. It is also an offence if an entry in the Register is incomplete or inaccurate.

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 registrable?

2.3.1. Communications made personally

Making communications personally means communicating directly and by any means with a UK Government Minister or Permanent Secretary or equivalent* this includes in person, in writing or digitally (including online meetings, telephone calls, emails and text messages on any platform). This means, for example, that:

- Communications addressed to a Minister but sent via a private office are registrable.
- Communications sent to a Minister's named email address, postal address or phone are registrable, whether or not the Minister personally opens them.
- Communications made to a government department, special adviser, administrator, private secretary or private office are not registrable.
- An invitation that includes material that meets the criteria for [consultant lobbying](#) is registrable.
- Participation in a meeting or event with a Minister whilst representing a client is registrable. This is the case whether or not the client is also present.
- Informal or unplanned communications (for example at a social event or conference) are registrable if they otherwise meet the criteria for consultant lobbying.

*Where this guidance refers to 'Minister', this includes Permanent Secretary and the equivalents specified in the Act.

2.3.2. Role of the consultant lobbyist

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

- A communication in the client's name sent by a consultant lobbyist to a Minister with a covering email or letter from the lobbyist or sent from the lobbyist's email address. This is registrable irrespective of who drafted the communication and whatever the content of the consultant lobbyist's covering email or letter.
- A consultant lobbyist arranges with a Minister for a client to meet them or for the Minister to attend an event, with or without the lobbyist. The act of arranging the meeting or participation in it is registrable if the communication is directly with the Minister.
- A consultant lobbyist introduces a client to a Minister at a meeting or event.
- A consultant lobbyist participates in an event or conference alongside a Minister and communicates on behalf of a client. This is registrable whether or not the client is present.

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

2.3.3. Subject matter

A communication needs to be registered if it relates to government business as defined in the Act. The definition in the Act is wide, including any communication relating to 'the exercise of any other function of the government'.

Whether or not the communication seeks commercial or financial advantage for the client is not relevant. So, for example, a communication offering free services is registrable if it meets the other tests.

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 this involves a function of government.

If the criteria for [consultant lobbying](#) are met, a communication is registrable whether or not:

- the subject of the communication is related to the Minister's portfolio or Permanent Secretary's department; or
- the subject is considered to be a party issue; or
- the Minister is considered – or considers themselves - to be acting as a constituency MP or in a non-Ministerial capacity.

2.3.4. Social media

If a social media message or post is directed to an official or personal social media 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.

2.3.5. 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 or virtual meeting or event, 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.

2.3.6. Planned or not

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

2.3.7. Timing

Only communications to a Minister in post at the time of an act of [consultant lobbying](#) need to be registered. Any communications made before they are in post or after they have left their post does not require registration.

2.3.8. Who initiates

If a Minister 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 register the activity. It does not matter that the Minister initiated the communications. The initial contact from the Minister is not itself registrable.

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

Communications to those in positions equivalent to Permanent Secretary are also registrable. 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, each client’s name must be declared in the Quarterly Information Return.

2.6. When is a communication considered to be made?

A written communication is considered to be made when it is sent to a Minister.

2.7. What constitutes payment?

Lobbying “in the course of a business” means that an individual or organisation is engaged in lobbying in return for payment.

Payment may be in any form and may be made directly or indirectly. A consultant lobbyist cannot avoid registration by receiving payments via a third party. Payment may be made for a specific communication or as a retainer for a range of work only part of which is relevant communications.

It makes no difference whether the person or organisation paying is the one on behalf of whom the communications are made, though there must be some expectation by the payer that the communication will be made.

The fact that communications with Ministers are not listed specifically in a contract or an invoice does not preclude the requirement to register.

Unpaid lobbying is not registrable.

If an employee of a consultant lobbyist 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](#) is registrable. By contrast, if they were under the direction of the Minister or client and not their employer, the activity is not registrable.

2.8. Foreign clients

An organisation or person representing a client outside the UK, including a government or an international organisation, must register and declare this if the activity meets the criteria of [consultant lobbying](#).

3. Registering and keeping information up to date

3.1. When to join the Register

An individual or organisation must not carry on the business of [consultant lobbying](#) unless they are entered in the Register of Consultant Lobbyists. This means that registration must take place before any consultant lobbying is conducted.

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

The effective date of registration will be the first date on which the prospective registrant contacts the Office of the Registrar to request registration. Registration will not be backdated to before this date.

3.2. Backdated VAT registration

An entry on the Register of Consultant Lobbyists cannot be completed until VAT registration is granted by HMRC. This is straightforward, unless HMRC backdates VAT registration because a taxpayer has not complied with VAT law by registering at the right time.

If the other tests for [consultant lobbying](#) are met, then any relevant communications from the backdated VAT registration date are registrable. In this situation, the prospective registrant should contact the Office of the Registrar to explain the circumstances and request registration as soon as

possible. A consultant lobbyist cannot avoid liability under the Act by failing to register for VAT when they should.

3.3. Pre-registration lobbying declarations

New registrants will be required to declare any pre-registration consultant lobbying and to complete a quarterly information return covering the three months before they applied to join the Register. Any pre-registration lobbying is a breach of the provisions of the Act.

3.4. Information required at point of registration

This information is required at the point of registration:

Companies

- Name, registered number and address of registered office
- The names of directors, any secretary and shadow directors. A shadow director, is a person in accordance with whose directions or instructions the directors of the company are accustomed to act

Partnerships

- The names of all partners and the address of its main office or place of business

Individuals

- 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 registrants

- VAT registration number
- Any other name or names under which the person or organisation carries on business as a consultant lobbyist
- A statement of whether there is in place an undertaking to comply with a relevant code of conduct, and if so, where the code may be inspected

3.5. Trading divisions and subsidiaries

If [consultant lobbying](#) is carried out by a trading division of a parent company, the directors of the parent company should be declared unless the trading division is itself a company and has its own legal personality. Any division or subsidiary that has its own legal personality needs to register separately if it meets the criteria for consultant lobbying. Quarterly returns will need to be filed for the parent and each subsidiary.

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 should be considered for this purpose a shadow director and should be declared.

3.6. 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 a code of conduct, but if the registrant does not subscribe to a relevant code, the Register will state this.

3.6.1. Undertaking to comply

Registrants who wish to declare compliance with a relevant code of conduct will need to agree to the following undertaking and to confirm with 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 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.

3.6.2. 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.

A registrant can choose to declare that they comply with a professional body’s code or develop and adhere to a self-authored code. In all cases, to be considered ‘relevant’ and to appear in the Register, the code must:

- Go beyond setting out general, good professional behaviour and must contain provisions that are of particular relevance to the way that consultant lobbying is carried out.
- Recognise a consultant lobbyist’s responsibilities to those to whom representations are made.

- Provide a process for anyone affected by the registrant's consultant lobbying to complain about an alleged breach of the code of conduct. This process must include oversight or control of the complaints process which is not carried out by the registrant themselves. This might be provided in a number of ways, including, for example, by an external adjudicator or arbitration process defined in the code, or by the mechanisms of a professional body.
- Be addressed to external parties, rather than to the registrant's employees.

[Appendix A](#) to this guidance is a checklist for those who wish to develop their own code of conduct.

3.6.3. Code of conduct written for individuals

A code of conduct that is written for individuals (for example, individual members of a professional body) can only be declared by an organisation if every member of the organisation who engages in [consultant lobbying](#) 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. Registrants must confirm in each quarterly return that all of their lobbyists comply with the declared code (see 3.6.1).

3.6.4. Access to a code of conduct

Where a registrant declares compliance with a code of conduct, they must provide a web link that requires no more than two clicks to reach the code. The code must be freely available, with no requirement, for example, for enquirers to register or provide any details to access the code.

3.7. Updating Register information and contact details

The information that registrants must declare about themselves on the Register is shown in 3.4 of this guidance. It is the legal duty of registrants to keep this up to date by including any changes in their next statutory Quarterly Information Return (see section 4 below). It is an offence to fail to do this or to do so in a way that is incomplete or inaccurate.

The Registrar uses the address that the registrant gives on the Register for some formal communications. If a registrant's day-to-day trading address is different from their registered address they should ensure that they receive mail that is sent to their registered address. If the 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 provide the Office of the Registrar with contact information. It is advisable to provide more than one contact if possible. This allows the Office of the Registrar to contact registrants with important information and to resolve any queries easily and quickly. Registrants should ensure that contact information is up to date by notifying the Office of the Registrar of any changes immediately (most obviously following staff

changes). Failing this, registrants risk not being able to access the ORCL QIR system or may not receive important information from the Office of the Registrar.

3.8. 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 beginning of the following calendar year, when that Register is then archived.
- Should they leave the Register part way through a calendar year, the registrant will receive 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 before they conduct any consultant lobbying or payment is received for it.

4. Quarterly Information Returns (QIR)

Registered consultant lobbyists must submit a Quarterly Information Return within 14 days after the end of each quarter. This means:

Quarter to which QIR relates	Period during which QIR must be submitted
1 January to 31 March	1 to 14 April
1 April to 30 June	1 to 14 July
1 July to 30 September	1 to 14 October
1 October to 31 December	1 to 14 January

A Quarterly Information Return must not be submitted before the end of the quarter as this will be an incomplete return. However, for convenience entries can be added to the online QIR in advance of submission.

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

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](#), 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 3.4 above.

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 communication has taken place.

4.2. Client confidentiality

The disclosure of clients' names is required by the Act irrespective of any expectations of client confidentiality. Consultant lobbyists 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 submit a Quarterly Information Return stating this. 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 has completed nil returns for the last six or more months.'*

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 statutory fee and making

Quarterly Information Returns. Such registrants may undertake consultant lobbying whilst they are registered.

5. Exceptions from registration

The Act provides that the following do not require registration:

5.1. Lobbying that is incidental to non-lobbying activities

A person is not engaged in [consultant lobbying](#) when they make a communication if:

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

In this context, 'incidental' means a minor accompaniment to the main focus of a business's activities. This is a narrow exception and will not apply to most businesses or individuals that engage in consultant lobbying.

A communication is not incidental when it is a substantive part of the main business assessed either:

- by volume; or
- by the value of the work undertaken; or
- by its significance to the client offering; or
- by the significance of its contribution to the business's non-lobbying activities.

This means that:

- If lobbying forms a significant proportion of an organisation's activities, even if it is not the majority of its work, it will not be incidental.
- If lobbying is a small proportion of an organisation's activities but generates a significant amount of income, it will not be incidental.
- If lobbying is a small proportion of an organisation's activities, but is a recognised part of its offer to clients, it will not be incidental.
- If lobbying is a small proportion of an organisation's activities but makes a significant contribution to the non-lobbying activities, it will not be incidental.

If an organisation undertakes only a small amount of lobbying work but that lobbying work makes a significant contribution to its non-lobbying work – either, for example, because it enhances its public profile or because it makes a substantive difference to some aspect of the business's non-lobbying work – then these activities will be registrable. So, a relatively small piece of lobbying

work which made a decisive difference to an organisation's non-lobbying business – for example, by seeking a change to regulation which would enable a large construction project to proceed – would be registrable.

If an organisation has employees whose job includes communicating with Ministers on behalf of clients or if the organisation offers a lobbying service to clients, then these activities will be registrable.

The fact that an organisation considers this service to be a minor part of their business or they do not think of themselves as lobbyists does not mean that they are not consultant lobbying.

As a result, most lawyers, accountants, management consultants and others that communicate with Ministers on behalf of clients are required to register.

5.2. Representative organisations

An organisation is exempt from the requirement to register if:

- It represents a particular class or body of people; and
- its income is derived wholly or mainly from those people; and
- its communications on behalf of those people is no more than an incidental part of its general activity.

All parts of the test must be satisfied for the exemption to apply.

If lobbying is conducted on behalf of a client who is not represented by that representative organisation, this is [consultant lobbying](#) and will need to be registered.

6. Think tanks and secretariats 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 are the same, however, some issues may be more significant for think tanks and those who provide secretariat services to All-Party Parliamentary Groups and guidance is given below.

6.1. Think tanks

The criteria for [consultant lobbying](#) determine whether an activity requires registration as consultant lobbying and the following issues may be relevant when considering whether a think tank is conducting registrable consultant lobbying:

6.1.1. 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 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 about Government policy, then this is likely to be registrable. A demonstrably generic donation not connected to a particular end product is unlikely to be registrable.

6.1.2. Is the communication ‘on behalf of a client’?

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

6.2. Secretariats to All-Party Parliamentary Groups (APPGs)

Some organisations that provide secretariat or other support services to APPGs (“secretariats”) will need to register as consultant lobbyists. If relevant communications are made to a Minister by a VAT registered secretariat on behalf of the APPG (or its individual funders) and in return for payment, then that activity will be registrable.

6.2.1. Who is the client?

Where a secretariat is paid to communicate with a Minister on behalf of an APPG, the APPG is the client to be declared on the Quarterly Information Return. In addition, any organisation or person providing funding, either directly to the secretariat or to the APPG, must also be declared on the QIR alongside the APPG. The purpose of the Act is to ensure that it is clear whose interests the consultant lobbyist is representing.

If a secretariat makes relevant communications for any of the APPG funders separately, these sponsors are then individual clients and must be declared as such on the registrant’s return.

6.2.2. Role of the secretariat

The criteria for [consultant lobbying](#) mean that an activity is registrable if it relates to government business and if the communication is made by the secretariat on behalf of an organisation or individual. Therefore:

- If a communication in the name of an APPG is attached to a covering email or letter from the secretariat to a Minister this will be registrable, whatever the content of the secretariat’s covering email or letter.

- If the secretariat accompanies a representative of the APPG to a meeting with a Minister or communicates with a Minister to arrange a meeting on behalf of the APPG this is likely to be registrable activity.
- If the secretariat participates in an event or conference alongside a Minister and on behalf of the APPG, this is registrable. This is the case whether or not the client is also present.
- If the secretariat drafts letters, reports or agendas that relate to government business and these are communicated to a Minister by an Officer of the APPG with no visible involvement by the secretariat, this activity will not be registrable.

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

6.2.3. Payment

The criteria for [consultant lobbying](#) include 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.

This means that it makes no difference whether the payment to the secretariat comes directly from the APPG or an external funder pays the secretariat, either directly to the secretariat or via the APPG. The test is whether the secretariat receives payment and their role includes making relevant communications on behalf of the APPG.

7. Monitoring compliance

The Registrar has a legal duty to monitor compliance with the provisions of the Act. The Registrar encourages and supports compliance by consultant lobbyists and others, so that the Register is accurate and useful.

The broad obligations of the Act are:

- Register before conducting the business of [consultant lobbying](#).
- Provide the required information about the consultant lobbyist at registration.
- Submit accurate Quarterly Information Returns on time, including client names (or a nil return) and any changes and updates to the registrant's information on the Register.
- Provide information to the Registrar as specified in an Information Notice.

The Office of the Registrar relies on consultant lobbyists to register and to provide accurate and timely Quarterly Information Returns. In addition, the Office of the Registrar monitors compliance by:

- Cross-checking the published meetings of Ministers and Permanent Secretaries against the information in the Register.
- Considering and, where appropriate, investigating information in the media or from third parties about alleged non-compliance.
- Initiating enquiries where there are doubts about the consistency or accuracy of information.
- Requesting further information regarding repeated nil returns.
- Issuing formal Information Notices where the voluntary provision of information is inadequate.

8. Offences and penalties

8.1. What are the offences?

The following are offences under the Act:

- [Consultant lobbying](#) when unregistered.
- Consultant lobbying when the information required to be on the Register is inaccurate or incomplete and the registrant has not updated it in their Quarterly Information Return.
- Submitting a late, incomplete, or inaccurate Quarterly Information Return.
- Not responding to an Information Notice by the specified deadline or providing information that is inaccurate or incomplete.

8.2. Penalties

If a person or organisation commits an offence under the Act the Registrar can impose a civil penalty of up to £7500 or refer the matter to the Director of Public Prosecutions for potential criminal prosecution.

8.2.1. Process

Before imposing a civil penalty, the Registrar serves a Notice of Intention which sets out details of the offence and the proposed penalty. The Registrar considers representations made by the recipient within the period specified in the Notice of Intention and decides whether or not to impose the proposed penalty or to vary it. Representations can only be made in writing on the form provided with the Notice of Intention. If proceeding with a penalty, the Registrar serves a Penalty Notice setting out details of the offence; the amount of the penalty; the deadline; method for payment; and the right to appeal.

8.2.2. Civil penalty levels

There is no fixed tariff for the level of penalty for offences and the Registrar considers the facts of each case. All breaches of the Act are offences, but the Registrar is likely to consider the following categories, with increasing levels of seriousness:

1. Administrative: such as spelling or data input errors that are one-off, corrected rapidly and not repeated.
2. Negligent or careless: such as a late Quarterly Information Return or repeated administrative errors.
3. Deliberate, misleading or in clear contravention of the purpose of the Act: such as unregistered [consultant lobbying](#) (even if ignorant of the requirement to register), failing to respond to an Information Notice, giving significantly false or misleading information or knowingly giving incorrect information.

In setting the level of a penalty the Registrar will also take account of mitigating and aggravating factors, such as:

- Mitigating factors: proactive admission, rapid correction of errors and omissions by the registrant, accidental error despite taking reasonable care, cooperation with the Office of the Registrar.
- Aggravating factors: repeated or persistent breaches, lack of cooperation or engagement with the Office of the Registrar, wilful or negligent behaviour.

8.3. Who is liable?

Liability for offences depends on the type of offence and the circumstances:

8.3.1. Consultant lobbying when unregistered

The offence is committed by both the business conducting the [consultant lobbying](#) as well as by the person engaging in lobbying in the course of that business; this may be an employee of that business or a contractor.

8.3.2. Inaccurate or late QIRs, inaccurate information on the Register, failure to respond to an Information Notice

The offence is committed by the business.

8.3.3. Bodies corporate and Scottish partnerships

If an offence of any kind is committed by a company or partnership with the consent or connivance of a person in control or through their neglect, that person is also liable for the offence.

9. Defences

It is a defence against charges under the Act to show that the alleged offender exercised all due diligence to avoid committing the offence. Evidence is required to demonstrate this and the defence will not be effective if the contrary is proved beyond reasonable doubt.

10. Information Notices

10.1. Purpose and use of Information Notices

The Registrar has a duty to monitor compliance with the Act and will generally seek information voluntarily in the first instance.

The Registrar can issue a statutory Information Notice to a registrant; or to a non-registrant who the Registrar has reasonable grounds to believe are engaging in [consultant lobbying](#). It is an offence to fail to supply the required information on time or to provide inaccurate or incomplete information. The Registrar will generally issue an Information Notice where no response or an inadequate response is provided to the Registrar's enquiries.

10.2. Content and scope

Information Notices set out how and by when the required information should be supplied and the right of appeal against the notice.

The scope of information that the Registrar can require is broad, as long as it supports the Registrar's duty to monitor compliance with the Act. There is no limit to the number of Information Notices that may be issued.

10.3. Limits on disclosure

Recipients of Information Notices must disclose information even if that demonstrates a breach of the Act. However, with a number of [specific exceptions](#), they are not obliged to disclose evidence that would expose them to proceedings for offences outside the Act.

The usual principles privileging certain communications between professional legal advisers and clients apply.

11. Transparency

In order to support compliance and in the interests of transparency the Registrar publishes information about the following on the website of the Office of the Registrar:

- Notices of Intention to impose a civil penalty
- Penalty Notices
- Information Notices
- Case summaries of completed investigations conducted by the Registrar into possible non-compliance
- Referrals to the Director of Public Prosecutions
- Correspondence and communications by the Registrar
- Meetings and events attended by the Registrar
- A gifts and hospitality register.

Appendix A: Checklist for code of conduct

When you are registered on the Register of Consultant Lobbyists, you need to declare on your entry whether or not you work to a relevant code of conduct and confirm this with each Quarterly Information Return.

Registrants who are members of a professional body often declare that body's code. If you wish to develop and work to your own bespoke code of conduct, the Registrar will need to check that it meets the standards for a code as set out in the Act and [guidance](#).

The content and enforcement of your code is your responsibility and you will have your own values and standards that will be appropriate for your company. This checklist is intended to guide you on key areas that need to be included in a code before it can be declared on the Register.

It is best to use straightforward, everyday language so it is as easy as possible to understand your standards and the complaint and adjudication process. The code should be addressed to external parties, rather than to your employees. There should be no unreasonable barriers to those wishing to make a complaint in relation to the code.

☐ Introduction

Describe the purpose of your code, what it covers and broadly how it operates.

An example of such an introduction is:

'This code of conduct sets out the way that we, [Company or organisation name] carry out consultant lobbying on behalf of clients. All of our directors, employees, consultants and others involved in consultant lobbying are bound by this code of conduct.'

☐ How we work

Set out how you will behave when lobbying – what standards you set for your team, what you will do and what you won't. This can include general provisions about good professional behaviour, but it must go further so that it is particularly applicable to how you carry out consultant lobbying. As well as your responsibilities to clients, you should set out your responsibilities to those being lobbied.

☐ Complaints procedure

Describe how a client or others can complain about behaviour that they think breaches the code. Consider whether you also want to allow those being lobbied or otherwise affected by your lobbying to complain. Who do they complain to? What is the procedure? What are the timelines?

☐ External oversight

Set out how external oversight or control of the complaints process and decision-making is provided. How this is done is up to you and the Registrar will consider whether it is adequate. Common ways of achieving this include appointing an external lawyer or

arbitrator to consider unresolved complaints and provide binding decisions. The external person might be named in the code or the code might define the type of person and how they will be appointed



Sanctions

What are the sanctions or consequences for your business if you are found to have breached your code? Are there any consequences for the individuals involved in a breach? Where is the outcome of a complaint published?