

ORCL Bulletin Tuesday 17 March 2015

News

The Register of Consultant Lobbyists will be open for business from 09:00 on Wednesday 25 March 2015. From this point onwards, registrants will be able to access the registration process, complete a return and join the Register of Consultant Lobbyists. We'd like to thank all the organisations that helped us through feedback and testing.

Once the Register is in place, the prohibition on carrying the business of consultant lobbying without being on the Register will be in effect. If you think you may have to join the Register, we urge you to get in touch with the Office at enquiries@orcl.gov.uk. Engagement is our priority to support those that think they may need to register and we're happy to help organisations with any questions they have about the registration process.

We've also published the Office of the Registrar of Consultant Lobbyists' business plan for April 2015 to March 2016. This document sets out how the Registrar plans to fulfil her statutory requirements once the Register has been implemented. It can be found [here](#).

FAQs

The Guidance states that it doesn't matter if a Minister is a constituency MP, my communications with them will still need to be registered. But what if I'm communicating with them about local issues?

Communications with a Minister only need to be registered if they relate to matters of Her Majesty's Government; this does not include matters relating to Local Government. An example might be writing to a constituency MP about a local planning issue. However, in the instance that a planning issue is 'called in' to the level of Secretary of State, any communications at this point would need to be Registered as they involve matters of Her Majesty's Government.

Whether or not the Minister is acting as a constituency MP or not is not the issue in this circumstance. It is the subject of the communications and whether they relate to issues of HM Government policy, legislation, financial arrangement or business.

What if I draft a letter for a client but do not communicate with the Minister personally?

Carrying on the business of consultant lobbying as defined by the Act means communicating with a Minister directly. In the case that you have drafted communications for a client to send, this would not be an act that requires registration as no direct communication has taken place.

However, if the situation was reversed, and a client drafted a communication (concerning government policy, legislation, the award of contracts, grants licences or similar benefits, or the exercise of any other government function) which you have sent to a Minister personally, **this would require registration**. This is because direct communication has taken place.

Organisations sometimes conduct campaigning activity on behalf of MPs and their employees may use annual or unpaid leave to do this activity. If an employee is on annual or unpaid leave, does any communication with a Minister oblige the employer to join the Register? What if the employee is seconded to the MP's office?

In this case, the question would be whether a third-party client is paying the employer for these communications to be made on their behalf. If a client is paying the employer for communications to be made that involve matters of government policy, legislation etc., then this activity would have to be registered whether the employee is on annual leave or not.

If the employee is seconded to a MP's office and communicates with a Minister as part of the business of the MP's office, this activity **would not require** registration. However, if the employee communicates with Ministers in the course of business conducted on behalf of a paying client, this would require registration.

What if I try to organise a meeting with the Minister?

What if I invite the Minister to an event?

What if I chase up a Minister on the status of the meeting or event?

In these examples the key issue is the subject matter of the communication and whom you are communicating with. Communications that require registration are those which relate to the development, adoption or modification of any proposal of the Government to make or amend primary or subordinate legislation; the development, adoption or modification of any other policy of the Government; the taking of any steps by the Government in relation to any contract, grant, financial assistance, licence or authorisation; or the exercise of any other function of Government.

Communications with a private office are **not covered by the Act**. If an organisation were to write to a Minister's PS to invite the Minister to a meeting, this would not require registration. However if the organisation were to write to the Minister by name, title, or to an email or social media account owned by the Minister, this may require registration (check with us if you are not sure).

Inviting a Minister or Permanent Secretary (or equivalents) to a meeting or event will not trigger the requirement to register in of itself unless it involves the subjects above and is made on behalf of a paying client. An example might be issuing an invitation to a Minister for a meeting which also contains text relating to

Government policy or legislation – **this would require registration.**

What if I talk to the Minister at a social event and we talk about a political matter but do not mention a client or lobby for policy change? What if at the event a client talks to a Minister but we don't make any communications?

The Act states that communications that require registration are those that are **relating to** the subjects listed above: it does not matter if you don't mention the client name or lobby for a specific change. You would be required to register if you are being paid by a client to communicate with a Minister or Permanent Secretary and make communications relating to policy, legislation etc. in the course of that business.

You are only required to register if you are the one making communications in the course of the business of consultant lobbying: organisations do not have to join the Register for any communications their clients make.

Does the Register apply to those in devolved administrations?

The requirement to register applies to any organisation that meets the criteria of consultant lobbying outlined in the [guidance](#) and is VAT registered, regardless of where the lobbying takes place or where the consultant lobbyist is based. Consultant lobbying means communicating with Ministers of the UK Government, Permanent Secretaries or equivalents: organisations that only lobby officials of devolved administrations are not required to register.

If you have any questions not covered by the FAQs above, please get in contact with us today at enquiries@orcl.gov.uk.