

Consultation Response

Consultation: Transparency in Lobbying

Response from the Scottish Charity Regulator

1. Background

1.1 The Scottish Charity Regulator

The Office of the Scottish Charity Regulator (OSCR) is established under the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act) as a Non-Ministerial Department forming part of the Scottish Administration. OSCR is the independent registrar and regulator of over 23,800 charities registered in Scotland.

2. Consultation response

In our previous submissions to the Scottish Parliament's Standards, Procedures and Public Appointments Committee Inquiry into Lobbying we highlighted the need for proportionality in the scope and requirements of a Register of Lobbyists:

“Transparency in public life is important. The proposal of a register of lobbyists is one route towards making lobbying transparent. If such a register is to be created, it is essential that it is clear who is required to register and what they are required to register. Proportionality comes into play and any negative impacts across the charity sector should be mitigated wherever possible. This would be important both in terms of minimising the regulatory burden for charities, especially small charities, as well as ensuring that the principle of accessibility to the Scottish Parliament is upheld.”

We also stressed the diversity of the charity sector in Scotland and the potential for disproportionate impact on the majority of Scottish charities that have an income of less than £25,000. Many of these small charities have a very limited 'professional' capacity to take part in lobbying activity and are unlikely to have been the focus of the original intentions of the Inquiry and subsequent proposals.

Overall, we are in favour of increasing transparency in public life, enhancing the openness of the Parliament, and encouraging engagement with MSPs. However, it is important that any registration would not create an unnecessary burden for charities

nor, indeed, stop or discourage engagement with MSPs and Ministers, if that is what they need to do to further their charitable purposes.

In relation to Question 6 of the consultation – ‘Should any types of in-house lobbyist be exempt from registration?’ – it is suggested that an exemption could be made for charities.

We consider that charities themselves are best placed to comment on this; however, we would make the following observations:

- *We would suggest that the distinction between ‘voluntary lobbying’ and ‘paid lobbying’ set out in paragraphs 30 to 39 would exempt many of the smaller charities in Scotland. However, it is not clear whether ‘professional lobbyists’ who may volunteer their skills for a charity would need to register that area of voluntary work.*
- *It is not clear from the consultation if an exemption for charities would also cover any wholly-owned subsidiaries of a charity.*
- *We welcome the Scottish Government’s commitment to review the regime once operational, an important part of which would be any exemptions (or lack of exemptions) from the requirements to register.*

3. Conclusion

OSCR has welcomed the opportunity to respond to this consultation and we look forward to developments in this area.

Should you wish to discuss any aspect of our response please contact:

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