

Summary of the main provisions of the *Regulation of Lobbying Act 2015*

March 2015, the *Regulation of Lobbying Act 2015* was signed into law by the President. The *Regulation of Lobbying Act 2015* (the Act) is designed to provide information to the public about:

- Who is lobbying
- On whose behalf lobbying is being carried out
- The issues involved in the lobbying
- The intended result of the lobbying
- Who is being lobbied.

Lobbying is an essential part of the democratic process. It enables or facilitates citizens and organisations to make their views on public policy and public services known to politicians and public servants.

The Act does not aim to prevent or inhibit lobbying. It does aim to make the process more transparent. The Act aims to do this by providing for:

- The establishment and maintenance of a publicly accessible register of lobbying
- The Standards in Public Office Commission (The Standards Commission) to be the regulator of lobbying
- Obligations on lobbyists to register and to provide information regularly about their lobbying activities, including, in the case of professional lobbyists, information about their clients
- A code of conduct on the carrying-on of lobbying activities
- The introduction of a “cooling-off” period during which lobbying activity may not be carried out by some former officials.

If you are involved in lobbying, you may need to:

- Register on the Register of Lobbying website which is maintained by Standards Commission: www.lobbying.ie
- Provide information to the Standards Commission about your lobbying activities three times a year.

There will be no cost to register as a lobbyist. Members of the public can view and search the register free of charge.

Initial important dates

1 May 2015: The Register of Lobbying website (www.lobbying.ie) went live.

1 September 2015: The Act comes into effect. If you are carrying on lobbying, you need to start keeping records of your lobbying activities from 1 September 2015.

1 September – 31 December 2015: The first relevant period for which lobbying returns are made. You will be required to provide information to the Standards Commission on the lobbying activities you engaged in during the relevant period 1 September 2015 – 31 December 2015. Future relevant periods will be: 1 January – 30 April, 1 May – 31 August, and 1 September – 31 December.

21 January 2016: You must have registered with the Standards Commission by this date if you engaged in lobbying activities during the first relevant period.

You must also provide your first set of returns to the Standards Commission in respect of the period 1 September 2015 – 31 December 2015.

Do I need to register?

You must register if you are carrying on lobbying activities.

You are carrying on lobbying activities if you meet the following conditions:

1. You are communicating either directly or indirectly with a “Designated Public Official” and;
2. That communication is about “a relevant matter” and
3. That communication is not specifically exempted and;
4. You are one of the following:
 - A third party being paid to communicate on behalf of a client (where the client is an employer of more than 10 full time employees or is a representative body or an advocacy body which has at least one full-time employee)
 - An employer with more than 10 employees where the communications are made on your behalf

- A representative body with at least one employee communicating on behalf of its members and the communication is made by a paid employee or office holder of the body.
- An advocacy body with at least one employee that exists primarily to take up particular issues and a paid employee or office holder of the body is communicating on such issues.
- Any person communicating about the development or zoning of land.

Who are the Designated Public Officials?

They are:

- Ministers and Ministers of State
- TDs and Senators
- MEPs for constituencies in this State
- Members of local authorities
- Special Advisers
- Secretaries General and Assistant Secretaries in the Civil Service
- Chief Executive Officers and Directors of Services in Local Authorities

The above list may be extended by Ministerial Order to other categories over time. Public bodies will publish a list of Designated Public Officials within their organisations on their individual organisation websites from 1 September 2015.

What is “a relevant matter”?

A relevant matter is one which relates to:

- The initiation, development or modification of any public policy or of any public programme;
- The preparation or amendment of any law (including secondary legislation such as statutory instruments and bye-laws) ; or
- The award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds;

other than the implementation of any such policy, programme, enactment or award or any matter of a technical nature only.

What are “the excepted / exempted communications”?

The following are “Excepted or Exempted Communications” and are not, therefore, regarded as lobbying activities:

- **Private affairs:** Communications by or on behalf of an individual relating to his or her private affairs about any matter other than the development or zoning of any land apart from the individual’s principal private residence.
- **Diplomatic relations:** Communications by or on behalf of a foreign country or territory, the European Union, the United Nations or other international intergovernmental organisations.
- **Factual information:** Communications requesting factual information or providing factual information in response to a request for the information.
- **Published submissions:** Communications requested by a public service body and published by it.
- **Trade union negotiations:** Communications forming part of, or directly related to, negotiations on terms and conditions of employment undertaken by representatives of a trade union on behalf of its members.
- **Safety and security:** Communications the disclosure of which could pose a threat to the safety of any person or to the security of the State.
- **Oireachtas committees:** Communications which are made in proceedings of a committee of either House of the Oireachtas.
- **Communications by Designated Public Officials or public servants:** Communications by a designated public official in his or her capacity as such; communications by public servants (or those engaged on contract by a public service body) made in that capacity and relating to the functions of the public service body.
- **Governance of Commercial State bodies:** Communications by or on behalf of a commercial state body made to a Minister who holds shares in, or has statutory functions in relation to, the body, or to designated public officials serving in the Minister’s department, and which are made in the ordinary course of the business of the body.
- **Policy working groups:** Communications between members of a relevant body appointed by a Minister, or by a public service body, for the purpose of reviewing, assessing or analysing any issue of public policy with a view to reporting to the Minister or public service body on it.

This document is intended as a summary of the main provisions of the *Regulation of Lobbying Act 2015* and does not purport to be a legal interpretation of the Act.