

Definition Q&A

1) What is it?

This is a draft definition of lobbying that could be used in the legislation that will be needed to introduce a statutory register of Lobbyists.

2) A what?

The Government, in the coalition agreement, promised to introduce a statutory register of lobbyists with the aim of increasing transparency in lobbying. The proposals they put forward in 2012 envisaged a limited register which would only include people who lobby on behalf of clients, so it would really only cover those who work for an agency or work freelance and not the large numbers of lobbyists who are employed directly by companies and organisations for this purpose ('in-house' lobbyists). This proposal was rejected by the overwhelming majority of respondents to their consultation. The process has slowed since summer 2012 but the Government have not altered their position on introducing legislation in this parliamentary session.

3) Who produced this?

The Association of Professional Political Consultants, the Chartered Institute of Public Relations and the Public Relations Consultants Association, who between them represent the UK Lobbying Industry, have jointly produced the draft definition.

4) Why are the three organisations working together?

By working together we hope to demonstrate a unified voice to the Government on an issue that will have an impact on members of each organisation.

5) What are you trying to achieve?

Our aim is to influence how the Government sees lobbying as they draft the legislation that will introduce a statutory register of lobbyists. We believe the definitions included in the legislation will determine how successful the register is – that is to say, it will determine who the register includes and whether or not it genuinely increases transparency in lobbying. The Political and Constitutional Reform Select Committee agreed with this stance in their report and said “the definition will be key to the success and effectiveness of any future register”¹. The definition we have proposed supports the common position between the three organisations that a register of lobbyists should be universal – that it should include everyone who seeks to influence public policy and law, with a number of common sense exceptions.

6) We all know what we do. Why do we need to define lobbying?

In common with many other communications disciplines, there are several working definitions of lobbying (or public affairs). This is not an attempt to re-define the discipline but to capture the basic essence of the practice and to distil it into a form of words that can be used in a legislative context.

7) Why define lobbying? Why not define lobbyists?

We believe that defining the act of lobbying rather than the type of person or service provider who lobbies, is a better and fairer way of achieving transparency in lobbying through the introduction of

a register. If you define the act first, then it is easier to define who should be on the register based on what they do.

8) This seems very complicated. Why is the definition more than a few lines long?

This is a draft for use in the very specific context of the legislation to introduce a statutory register of lobbyists. Legislation is often written in arcane or complicated language. The clauses and sub clauses are designed to make it as robust as possible and to eliminate loopholes that might be inadvertently created. It sets out the context and provides the basis for certain common sense exceptions to the law.

In fact, the core of the definition is captured in the following lines:

“lobbying services” means activities which are carried out in the course of a business for the purpose of—

- (a) influencing government, or*
- (b) advising others how to influence government.*

This might not satisfy an academic or a serious minded lay observer about the scope, scale and detail of the services provided in the lobbying industry, but we believe it captures the essence of lobbying in a way that works in a legislative context.

9) How did you go about producing it?

The three organisations have each worked on the idea independently, recognising the importance of the definition to the outcomes that will result from the legislation. They came together and agreed a common position and then worked with an expert on legislation to draft the ideas as a prototype for use in legislation.

10) Lots of different organisations and people have contact with Government. They aren't all lobbyists – should they be on the register?

The legislation should provide certain common sense exemptions, for example, to cover journalists who publish information in the course of their profession and to protect the relationship between an MP and their constituents. Other exemptions should cover the provision of information or evidence in response to an invitation from Government or Parliament (such as a formal consultation or select committee hearing), in response to a court order or enactment or as part of a tender process. Anyone who is acting in their official capacity on behalf of a government organisation should not be considered a lobbyist, nor should anyone who acts solely on their own behalf.

11) Does the definition include MPs being contacted by their constituents

No. The definition has been drafted in a way that would protect the relationship between an MP and their constituents. Among several common sense exemptions, the definition allows for someone to make representations solely on their own behalf. If they make representation on the behalf of others, particularly in the course of a business, they can reasonably be assumed to be lobbying and should register.

12) Journalists and columnists often produce articles which seem to be intended to influence Government – are they covered by this definition?

No. Communicating information or opinions to the public should not be considered lobbying for the purposes of the register. Whilst there is undeniable influence on political discourse through the media, there is a difference between the intention of journalism and the intention of lobbying.

13) This definition includes volunteers – are they also lobbyists?

With certain common sense exceptions, where a person seeks to influence government or advises others how to influence government, they are a lobbyist. In order to be effective, the register should include all those who meet this definition and the legislation should avoid possible loopholes that might arise around the context in which work is being carried out. This would include where an agency or freelance lobbyist carries out work 'pro bono' (free of charge) as well as people who may donate or volunteer their time to charities.

ⁱ Paragraph 25, Political and Constitutional Reform - [Second Report](#) - Introducing a statutory register of lobbyists