



CORPORATE AND COMMERCIAL

Regulation of Lobbying Act 2015

by **Ruairí Mulrean**

Regulation of Lobbying Act 2015

15th December 2015 | by Ruairí Mulrean

On 1 September 2015 the Regulation of Lobbying Act 2015 (the "Act") came into effect. This means that if you were involved in lobbying during the period from 1 September 2015 to 31 December 2015 you must register and file information with the Standards Commission by 21 January 2016.

As employers with more than 10 employees are included in the definition of lobbyists, it is important that employers understand the Act and take steps to ensure that they and their employees adhere to its requirements.

What is Lobbying?

Lobbying is defined under the Act as a communication between a lobbyist and a designated public official on a relevant matter. As stated above, for the purposes of the Act, lobbyists include, amongst others, an employer with more than 10 employees where its employees are communicating on its behalf.

For the purposes of the Act designated public officials include:

- 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; and
- Chief Executive Officers and Directors of Services in Local Authorities.

Relevant matters are those which relate to the initiation, development or modification of any policy, programme or legislation; the preparation or amendment of any law; or the award of any grant, loan or other financial support, contract or agreement involving public funds, or any matter involving the development or zoning of land.

Compliance

The Act provides for the establishment of a Code of Conduct for lobbyists, which has yet to be developed.

In the immediate term, an on-line Register of Lobbying has been established and employers who fall into the description of lobbyists in the Act and on whose behalf employees engage in relevant lobbying activities, are required to submit returns to the Standards Commission three times per year, specifying the designated public official to whom communications were made, the subject matter, the type and extent of the lobbying activities and the name of the individual who had primary responsibility for the lobbying activities.

The Regulator of Lobbying has publicly advised that the Act aims to promote compliance with a view to making lobbying in Ireland more transparent, and that this will guide the approach taken by the Regulator when it comes to implementation and enforcement. In line with this, the Act sets out a suite of enforcement provisions, including sanctions for non-compliance which will come into force on 1 September 2016. Employers will therefore need to keep tight control of all activity by their employees which may be classed

as lobbying.

We advise employers with more than 10 employees whose employees, from 1 September 2015, who have been or are communicating on their behalf with a designated public official in relation to a relevant matter, to register and submit a return by 21 January 2016.

Employers who have employees engaged in lobbying either directly or indirectly should review their policies for recording relevant communications which might fall within the scope of the Act and identify the key personnel involved. As mentioned above, all registerable communications will now need to be returned to the Standards Commission.

All employees need to understand what comes within the definition of lobbying in the Act so as to ensure that they appreciate that they cannot engage in such actions without ensuring they follow company policy in this regard. Company policy should define lobbying and should list clear examples of the type of activities relevant to the employer's business which would be regarded as lobbying. The policy should also explain that lobbying should only be undertaken by specified persons within the company, who will retain a record of such activity and ensure that it is included in the return to be made every 4 months. Any employees, other than the specified person or persons who engage in lobbying may expose the company to sanctions for breach of the Act and it should be clear from the policy that such behaviour may result in disciplinary action.

About the Author



Ruairí Mulrean
Partner

Ruairí practises in the areas of corporate law, mergers and acquisitions, corporate restructuring and insolvency.

T: + 353 1 638 5844 E: mulrean@lkshields.ie