

# Regulation of Lobbying Act 2015:

## *What you need to know*

29 February 2024



Coimisiún um Chaighdeáin in Oifigí Poiblí  
Standards in Public Office Commission

# Presentation topics

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- Overview of *Regulation of Lobbying Act 2015*
  - The Three-Step Test
  - Registration and return requirements
  - Contraventions and enforcement
- How to prepare for compliance
- Avoiding common pitfalls
- Amendment Act 2023
- Code of Conduct
- Questions



# Regulation of Lobbying: Overview of Act

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- To make the process of lobbying more transparent
- Standards Commission;
  - Independent Lobbying Registrar
  - Maintain a Register of Lobbying
- Regular submission of returns, three times a year
- Web-based public registry which records; lobbyist, lobbied, subject matter, intended result
- Post-employment restrictions for **some** public officials
- Investigation and enforcement provisions (compliance focus)
- Amendment Act 2023

# What is lobbying? The Three-Step Test

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- Communication must meet the “three step test” to be considered lobbying - communication by:
  1. Persons within the scope of the Act
  2. With Designated Public Officials (DPO)
  3. On relevant matters
- Act makes no distinction regarding method, venue or formality of communication
  - Mail, telephone, in-person, email, social media
  - Office, social setting, casual encounter, any other
  - Indirect Lobbying

## Step 1: Are you within scope of the Act?

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- Persons with **more than 10 employees**
- **Representative or issue-based bodies** with at least 1 employee (& where members would fall within scope on their own, even with no employees)
- **Third parties** paid to lobby on a **client's behalf**
- Anyone lobbying **about development or zoning** of land

But even if you meet these criteria you need to register only if the communications are with Designated Public Officials (DPOs) and relate to “relevant matters”

## Step 2: Are you communicating with a DPO?

- Ministers, Ministers of State
- Members of Dáil Éireann, Seanad Éireann
- Irish Members of the European Parliament
- Members of Local Authorities
- Special Advisors
- Senior Civil and Public Servants
  - Civil service: Secretaries General, Assistant Secretaries, Director grades and equivalent
  - Local authorities: Chief Executives , Directors of Service, Heads of Finance, Head of HR (Dublin City Council)
  - Ministerial Order can expand groups (public bodies or levels)



## Step 3: Is it about a relevant matter?

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- The initiation, development or modification of any public policy or of any public programme
- The preparation of an enactment
- The award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds.

**Not a relevant matter:** Matters relating only to the **implementation** of any such policy, programme, enactment or award **or matters of a technical nature**

## Exemptions (section 5(5))

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Several types of communications are exempt from the requirement to register:

- Private affairs
- Principal private residence
- Diplomatic context
- Between public officials
- Strictly factual information
- Trade union negotiations
- Threat to life or safety
- Security of the State
- Shareholder of State body
- Within proceedings of Oireachtas Committee
- Information requested and published by public body (Consultations)
- Groups established by Public Body where Transparency Code applies (Task forces. Working groups)



# Registration requirements

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- Register after first communication with DPO
- Create an account on Lobbying.ie
- Include in registration:
  - Organisation Name - option to include “trading as” name if different from legal name
  - Business address and contact details
  - Main business activities
  - Identify person with primary responsibility for lobbying
  - Company Registration Office Number or Charitable Registration Number

# Return requirements

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- 3 Returns periods per year with mandatory deadlines
  - 1 January–30 April: returns due 21 May
  - 1 May–31 August: returns due 21 September
  - 1 September–31 December: returns due 21 January
- A **Nil return** must be submitted when no lobbying activity took place during the relevant period
- Ensure your lobbying activity has been published
  - Check the Register of Lobbying
  - Saved as a draft return or awaiting publication by the account administrator

# How to Submit a Substantive Return

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- Click on “START A RETURN” on your dashboard.
- 1. SELECT the return period (default to current period)
- 2. What matter did you lobby about?
  - SELECT the Policy area and Relevant matter topics from the dropdown
  - ENTER Specific details (e.g. the specific policy, piece of legislation etc...you lobbied on)
  - ENTER Intended Results – be specific about what you wanted to achieve through this Lobbying Activity

# How to Submit a Substantive Return

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- 3. Who carried out the lobbying?
  - Was there any Former/Current DPOs involved?
  - Was this lobbying done on behalf of a client?
- 4. How was the lobbying carried out?
  - Grass roots communication and/or Mass communication
  - Type and extent of lobbying activity (ex. 6-10 emails)
- 5. Who were the DPOs you lobbied?
  - Search DPOs by name or by public body
  - Save as a draft, awaiting publication or publish!

# Contraventions and Enforcement

## ■ Contraventions of Act:

- Lobbying without registering
- Failure to submit return by deadline (including nil return)
- Providing inaccurate/misleading information
- Failing to comply with an investigation
- Obstructing an investigation

## ■ Consequences of non-compliance

- Fixed payment notices for late returns: €200
- Investigation and prosecution of contraventions
- If convicted: higher fines and/or imprisonment



# Preparations for Compliance

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- Review your organisation's arrangements for recording relevant communications
- Identify individual(s) responsible for registration and compilation of returns
  - Data can be entered on the register on an ongoing basis by more than one employee and saved in draft form (on a private area of the register) prior to its formal submission
- Nominate compliance officer
  - Single person responsible for reviewing all final returns for completeness, accuracy and consistency
  - Person can submit final return at the end of each reporting period
  - Make sure that person has a backup!

# Avoiding common pitfalls

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- 1) Should you register? Do the **three-step test**
- 2) **Register** once you commence lobbying
- 3) Track your lobbying activity with an eye to returns
  - Avoid duplications - **one return per subject**, not for every communication
- 4) Meet the deadlines
  - 21 January, 21 May, 21 September: **mandatory deadlines**
  - Submit return as soon as lobbying activity has concluded
  - **Nil returns** are also expected - Very important!
  - Have organisational backups - Admin & Users
- 5) Make returns **clear, detailed** and **meaningful**
- 6) Indicate if you have **ceased lobbying**

# Lobbying Amendment Act 2023

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- *The Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023* was passed into law on 22 June 2023.
- Aim to strengthen compliance and enforcement
- Some provisions have commenced on 1 January 2024. Remainder 1 June 2024
- Section **5 (1) (c)** the scope of the Act is expanded to include any person who *‘makes, or manages or directs the making of any relevant communications about the development or zoning of land’*.



# Lobbying Amendment Act 2023

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- Scope now includes any representative or issue based organisation, with **no full time employees**, where at least one of the body's members would fall within scope of the Act if such member or members were to carry on lobbying activities outside of the body.
- A new exemption has been added under Section **5(5)(p)** to include communications by a political party to its members who are designated public officials and which are made **exclusively as members of the political party concerned**.

# Lobbying Amendment Act 2023

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- Under **Section 8** of the Act any registered person whose entry on the register has been marked under **Section 11(4)** as **ceased** is **prohibited from carrying on lobbying activities**.
- Under **Section 11** the **address** at which a person carries on business or carries on the person's main activities, or the address at which the person normally resides, must be included in the details provided by the registrant.

# Lobbying Amendment Act 2023

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## Section 22

- Under **Section 22 (d)** provision is made that every public service body **must inform** relevant DPOs of their obligations under **Section 22**. Furthermore, the public service body must inform the Standards in Public Office Commission when a relevant DPO is leaving his or her employment.

## Section 18

- Under **Section 18** a new contravention has been added. Under **18(f)** it is a contravention if a person takes any action that has its intended purpose the **avoidance or circumvention** of the person's obligations under the Act. **(Commences 1 June 2024)**

# Lobbying Amendment Act 2023

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## Sanctions

- For a relevant contravention under Section 18 (f) (**avoidance or circumvention of the person's obligations under the Act**) or under Section 22(1) (**Not seeking a waiver of the cooling off period**) a minor or a major sanction may be imposed.
- A Minor sanction will be advice, reprimand or caution.
- A Major sanction will be a financial sanction not exceeding €25,000, a prohibition on the person from registering on the Register for no more than two years,

# Lobbying Amendment Act 2023

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- In addition there will be a prohibition on the person from making or having a return made for no more than two years.

**(These sanctions will apply from 1 June 2024.)**

# Code of Conduct

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- *Came into effect 1 January 2019*
- *Purpose to govern behaviour – ensure lobbying is ethical*
- *Sets out 8 key principles*
- *Persons lobbying should have regard to the principles of the Code*

## **Eight Principles of Code:**

- 1) Demonstrate respect for public bodies
- 2) Act with honesty & integrity
- 3) Ensure accuracy of Information
- 4) Disclose identity and purpose
- 5) Preserve confidentiality
- 6) Avoid improper influence
- 7) Observe provisions of Act
- 8) Observe provisions of code

# Useful Links

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- [How to register as a lobbyist with Lobbying.ie](#)
- [How to submit a return on Lobbying.ie](#)
- [What are “the excepted/exempted communications”?](#)
- [Who are the Designated Public Officials?](#)
- [Take the Three Step Test](#)

# Thank you/Questions?

Visit our website:

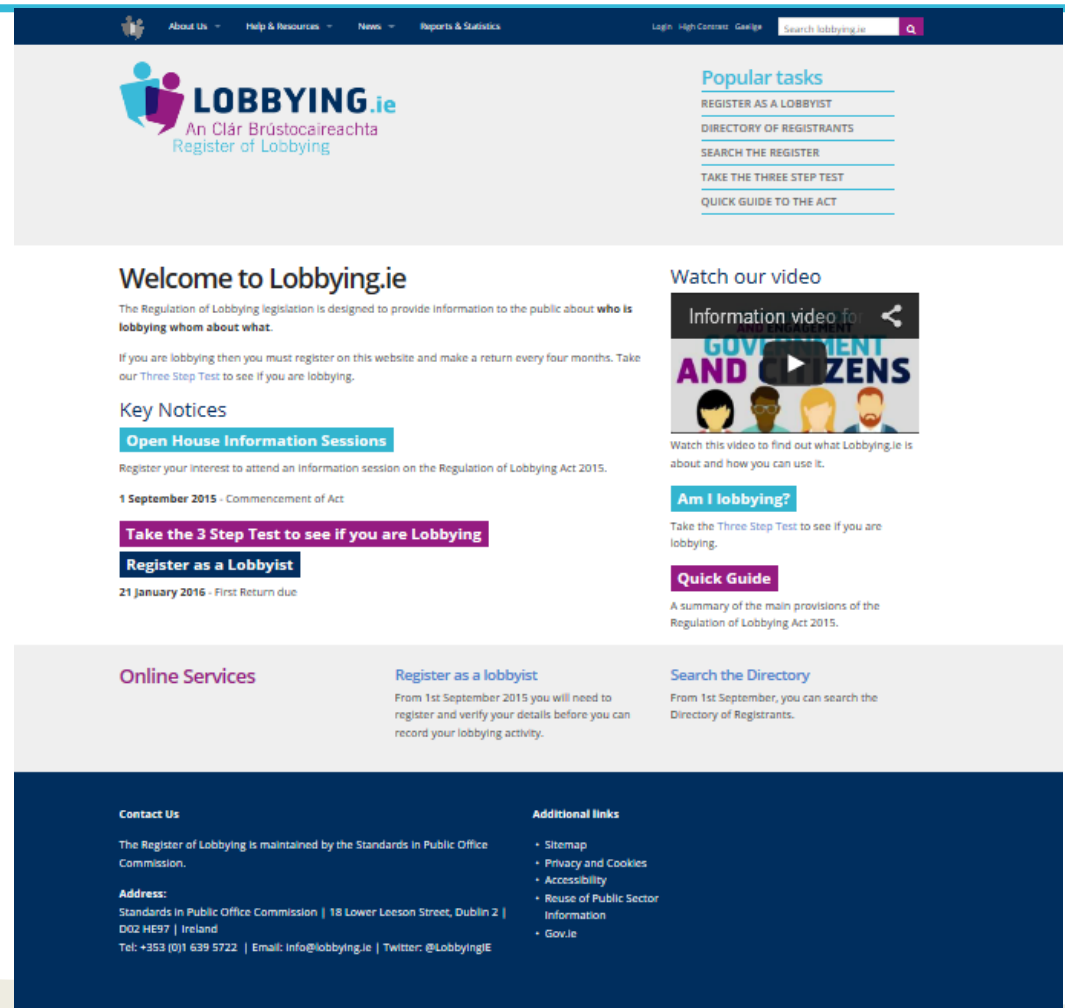
[www.LOBBYING.ie](http://www.LOBBYING.ie)

Lobbying Regulation Unit  
Contact Details

Email: [info@lobbying.ie](mailto:info@lobbying.ie)

or

Phone: (01)6395722



The screenshot shows the LOBBYING.ie website. The header includes navigation links: About Us, Help & Resources, News, Reports & Statistics, Login, High Contrast, and a search bar. The main content area features the LOBBYING.ie logo and a list of popular tasks: Register as a Lobbyist, Directory of Registrants, Search the Register, Take the Three Step Test, and Quick Guide to the Act. Below this is a 'Welcome to Lobbying.ie' section with a brief explanation of the Regulation of Lobbying Act 2015 and a 'Three Step Test' link. A 'Key Notices' section highlights 'Open House Information Sessions' and 'Take the 3 Step Test to see if you are Lobbying'. A 'Watch our video' section promotes an 'Information video for GOVERNMENT AND CITIZENS'. A 'Quick Guide' section provides a summary of the main provisions of the Regulation of Lobbying Act 2015. The footer contains 'Online Services' (Register as a lobbyist, Search the Directory) and 'Additional links' (Sitemap, Privacy and Cookies, Accessibility, Reuse of Public Sector Information, Gov.ie).

**Popular tasks**

- REGISTER AS A LOBBYIST
- DIRECTORY OF REGISTRANTS
- SEARCH THE REGISTER
- TAKE THE THREE STEP TEST
- QUICK GUIDE TO THE ACT

**Welcome to Lobbying.ie**

The Regulation of Lobbying legislation is designed to provide information to the public about **who is lobbying whom about what**.

If you are lobbying then you must register on this website and make a return every four months. Take our **Three Step Test** to see if you are lobbying.

**Key Notices**

**Open House Information Sessions**

Register your interest to attend an Information session on the Regulation of Lobbying Act 2015.

**1 September 2015 - Commencement of Act**

**Take the 3 Step Test to see if you are Lobbying**

**Register as a Lobbyist**

**21 January 2016 - First Return due**

**Watch our video**

**Information video for GOVERNMENT AND CITIZENS**

Watch this video to find out what Lobbying.ie is about and how you can use it.

**Am I lobbying?**

Take the **Three Step Test** to see if you are lobbying.

**Quick Guide**

A summary of the main provisions of the Regulation of Lobbying Act 2015.

**Online Services**

**Register as a lobbyist**

From 1st September 2015 you will need to register and verify your details before you can record your lobbying activity.

**Search the Directory**

From 1st September, you can search the Directory of Registrants.

**Contact Us**

The Register of Lobbying is maintained by the Standards in Public Office Commission.

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**Additional links**

- Sitemap
- Privacy and Cookies
- Accessibility
- Reuse of Public Sector Information
- Gov.ie