



# Lobbying (Scotland) Act 2016

## 2016 asp 16

### PART 3

#### OVERSIGHT AND ENFORCEMENT

##### *Commissioner's functions*

#### **38 Commissioner's functions etc.**

- (1) The Scottish Parliamentary Commissions and Commissioners etc. Act 2010 is modified as follows.
- (2) In section 1(3) (functions of the Commissioner)—
  - (a) the word “and” after paragraph (b) is repealed,
  - (b) after paragraph (c) insert “, and
  - (d) the Lobbying (Scotland) Act 2016.”.
- (3) In section 5(1) (protection from actions for defamation)—
  - (a) in paragraph (a)—
    - (i) the word “or” in the second place where it occurs is repealed,
    - (ii) after “Parliamentary Standards Act” insert “ or the Lobbying (Scotland) Act 2016 ”,
  - (b) in paragraph (c)—
    - (i) the word “or” in the second place where it occurs is repealed,
    - (ii) after “Public Appointments Act” insert “ or the Lobbying (Scotland) Act 2016 ”.
- (4) In section 25 (annual reports), after subsection (3) insert—

“(3A) The report must include, in relation to the performance of the Commissioner's functions under the Lobbying (Scotland) Act 2016—

  - (a) the numbers of complaints made to the Commissioner during the reporting year,
  - (b) the number of complaints which were withdrawn during the reporting year, broken down according to the stage of the investigation at which they were withdrawn,

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*Changes to legislation: There are currently no known outstanding effects for the Lobbying (Scotland) Act 2016, Cross Heading: Commissioner's functions. (See end of Document for details)*

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- (c) in relation to assessments of admissibility under section 22(2)(a) of that Act—
  - (i) the number completed,
  - (ii) the number of complaints dismissed, and
  - (iii) the number of complaints considered admissible,
 during the reporting year,
- (d) in relation to investigations under section 22(2)(b)(i) of that Act—
  - (i) the number completed,
  - (ii) the number of reports made under section 22(2)(b)(ii) of that Act,
 during the reporting year, and
- (e) the number of further investigations that the Commissioner has been directed to carry out under section 27(2) of that Act during the reporting year.”.

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**Commencement Information**

**I1** S. 38 in force at 12.3.2018 by [S.S.I. 2018/73](#), [reg. 2](#)

**39 Investigation of performance of Commissioner's functions**

In paragraph 21ZA of schedule 2 of the Scottish Public Services Ombudsman Act 2002—

- (a) the word “and” is repealed,
- (b) at the end insert “ and the Lobbying (Scotland) Act 2016 ”.

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**Commencement Information**

**I2** S. 39 in force at 12.3.2018 by [S.S.I. 2018/73](#), [reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Lobbying (Scotland) Act 2016, Cross  
Heading: Commissioner's functions.