

# Creating transparency

## Regulation of Lobbying Act 2015

The Regulation of Lobbying Act 2015 (the "Act") will come into effect on 1 September 2015. It is intended to ensure public transparency in communications with designated public officials regarding certain "relevant matters".



### What is Lobbying?

Lobbying is the communication of a relevant matter with a designated public official.

### What is a relevant matter?

A relevant matter is essentially a communication which attempts to alter a form of public policy, public programme or legislation or make a financial gain from public funds.

There are a number of exceptions including requesting factual information.

A good rule of thumb is a communication with a designated official will only constitute lobbying if it is intended to influence or make a gain from the manner in which the State is governed.

### Whom am I Lobbying?

The Act only relates to specific designated public officials and specific forms of communication. The list of designated officials can be found at section 6 of the Act and includes elected representatives, senior civil servants, special advisors and members of local authorities.

### Who is a Lobbyist?

The Act is not limited to professional lobbyists who communicate on behalf of their clients. It also includes representative and advocacy bodies such as industry bodies or umbrella organisations.

There is an emphasis in the Act regarding communications made to influence the development or zoning of land and a person communicating about these matters is also considered a lobbyist.

Finally, the Act also provides that an employer who has more than 10 employees and is communicating on their own behalf may be considered a lobbyist.

### Regulation

The Standards in Public Office Commission (the "Commission") will be responsible for the regulation of lobbying. There is a positive obligation on lobbyists to register under the Act and to provide returns to the Commission every four months.

Any entity that has engaged in any lobbying activities between 1 September 2015 and 31 December 2015 must register with the Commission by 21 January 2016.

The content of the returns may for some individuals be particularly onerous as professional lobbyists must include the details of clients, the public official who they communicated with and the reasons for the communication.

### Offences

It is of the utmost importance that any individual who falls within the Act registers with the Commission and provides the relevant returns on a four monthly basis. A failure to do so, or to provide false or misleading information, is an offence under the Act which can lead to a fine of up to €2,500 and two years in prison.

### Conclusion

The Act is likely to affect a large number of representative organisations and other bodies who may advocate for policy change as part of their business. Given the wide ranging nature of the Act and the entities that it encompasses it is strongly advised that organisations seek legal advice regarding their obligations under the Act.



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