



AN BILLE TOGHCHÁIN (SÍNTIÚIS A RIALÚ), 2001
ELECTORAL (CONTROL OF DONATIONS) BILL, 2001

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
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ACTS REFERRED TO

Electoral Act, 1997

1997, No. 25

Electoral Acts, 1992 to 1997



AN BILLE TOGHCHÁIN (SÍNTIÚIS A RIALÚ), 2001
ELECTORAL (CONTROL OF DONATIONS) BILL, 2001

BILL

entitled

5 AN ACT TO RESTRICT THE MAKING OF DONATIONS FOR
POLITICAL PURPOSES TO INDIVIDUALS WHO ARE
CITIZENS OF THE STATE AND ARE ORDINARILY
RESIDENT IN THE STATE, TO AMEND THE LAW
10 RELATING TO DISCLOSURE OF DONATIONS AND TO
LIMIT THE AMOUNT WHICH MAY BE SO DONATED.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Interpretation.

“Act of 1997” means the Electoral Act, 1997;

15 “donation” has the meaning assigned to it by Part IV of the Act of
1997.

2.—Nothing in this Act shall apply to donations made or accepted
before the coming into force of this Act.

Exclusion of
donations.

3.—Section 22(2)(b) of the Act of 1997 is hereby amended by the
insertion of the following after subparagraph (v):—

Amendment of
section 22 of Act of
1997.

20 “(vi) any payment, service, facility, benefit, publication or adver-
tisement made to, provided by or arranged by a political
party for a member of that party, who is a member of
either House of the Oireachtas or of a Local Authority,
25 or of Údarás na Gaeltachta, a Representative in the
European Parliament or a candidate at a Dáil, Seanad,
European, local or Údarás election;”.

4.—Section 24 of the Act of 1997 is hereby amended by the
substitution of the following for subsection (4)—

Amendment of
section 24 of Act of
1997.

30 “(4) The specified amount for the purpose of this section shall
be, as respects either a political party or any other person,
£500.”.

5.—(1) Following the coming into force of this Act, a donation
shall only be made by an individual citizen of the State ordinarily
resident in the State in an amount which does not or in amounts

Limit on donations.

which do not in total in any one year exceed £1,000 to any political party or to any individual and where more than one donation is made in the same year—

- (i) to a political party and to one or more persons who were members of that party when the donation was made, or 5
- (ii) to two or more persons who were members of the same party when the donation was made,

in amounts the aggregate value of which do not exceed £1,000.

(2) A political party, a member of either House of the Oireachtas or of a local authority or of *Údarás na Gaeltachta*, a representative in the European Parliament or a candidate at a *Dáil*, *Seanad*, European, local or *Údarás na Gaeltachta* election shall not directly or through any intermediary accept a donation from any person other than an individual citizen of the State ordinarily resident in the State, nor accept from any such individual donor in any one year, a donation in an amount which exceeds the sum specified in *subsection (1)* of this section. 10 15

(3) It shall be an offence for a person to make a donation, the acceptance of which is prohibited by *subsection (2)* of this section or to accept a donation knowing it to be prohibited by this section. 20

(4) Where a person is guilty of an offence under this section, the person shall be liable—

- (a) on summary conviction to a fine not exceeding £5,000 or to imprisonment for a period not exceeding 12 months, or to both, and 25
- (b) on conviction on indictment to a fine not exceeding £20,000 or to imprisonment for a term not exceeding 3 years or to both.

Prohibited donations.

6.—(1) Where notwithstanding *section 5*, a donation the acceptance of which is prohibited by that section is made to a political party, to a member of either House of the Oireachtas or of a local authority or of *Údarás na Gaeltachta*, to a representative of the European Parliament or a candidate at a *Dáil*, *Seanad*, European, local or *Údarás na Gaeltachta* election, the party, member, representative or candidate concerned, not later than twenty-eight days after being made aware that the donation so accepted is prohibited by *section 5*, shall notify the Public Offices Commission in writing of the date of receipt of such donation; the amount of such donation; the identity of the donor; the date when he or she became aware that the donation so accepted is prohibited by *section 5*; and all other relevant circumstances relating to the acceptance of the aforesaid donation. Such notification shall be furnished in writing to the Commission together with a remittance to the Commission of the donation or of a sum to the value of the aforesaid donation. 30 35 40 45

(2) The Public Offices Commission after receiving the notification referred to in *subsection (1)* herein, shall within twenty-one days request such further information as it deems necessary to clarify any matter detailed in the notification received by it and shall within twenty-eight days of receipt of such notification, or within twenty-eight days of the furnishing of a request for such clarification (whichever is the later) lay before each House of the Oireachtas the 50

original notification received by it; the request for further clarification or information, if any, made by it and where received, any subsequent explanation.

5 (3) The Public Offices Commission shall dispose of all monies, property or goods received by it under this section in such manner as may be prescribed by the Minister for Finance in regulations made under this Act.

10 (4) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as practicable after it is made and if a resolution annulling the regulation is passed by either House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previous done under it.

15 (5) Any regulation made under this Act may contain such consequential, supplementary and ancillary provisions as the Minister considers necessary or expedient.

7.—(1) This Act may be cited as the Electoral (Control of Donations) Act, 2001. Short title, collective citation and construction.

20 (2) The Electoral Acts, 1992 to 1997, and this Act may be cited together as the Electoral Act, 1992 to 2001, and shall be construed together as one Act.