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

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**EXPLANATORY MEMORANDUM**

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The purpose of this Bill is to restrict the making of political donations to individuals who are citizens of the State and are ordinarily resident in the State; to limit to a sum of £1,000 the donation that any individual can make for political purposes in any one year to any political party or to any individual or in aggregate to a political party and/or to members of the same party and to require the disclosure of all donations received by the individual or aggregate value of which in any one year exceeds £500.

*Provisions of Bill*

*Section 1* is a standard definition provision.

*Section 2* is also a standard provision which excludes application of the Bill to donations received prior to it coming into force.

*Section 3* excludes from the definition of a donation assistance given by a political party to a member of that party who is a member of either House of the Oireachtas or of a local Authority or *Údarás na Gaeltachta*, representative of the European Parliament or a candidate at a *Dáil*, *Seanad*, European, local or *Údarás na Gaeltachta* election. This provision does not interfere with the capping of election expenditure by a party on behalf of its candidates which is governed by section 32 of the Electoral Act, 1997.

*Section 4* requires that the donation statements that must be furnished by political parties and by public representatives must disclose all donations received in any one year the value (or aggregate value) of which exceeds £500.

*Section 5(1)* prescribes that only an individual citizen of the State ordinarily resident in the State can make a political donation and delimits the amount or amounts which can be donated in any one year to any political party or to any individual to the sum of £1,000. A political donation payable in aggregate in any one year to a political party and to one or more persons who are members of that party or to two or more persons who are members of the same party is also limited to £1,000.

*Subsection (2)* prohibits the acceptance of a political donation from an individual which exceeds the sum of £1,000 as specified in *subsection (1)* whether in a single donation or in aggregated donations.

*Subsection (3)* renders it an offence to make a donation, the acceptance of which is prohibited by the Act or to accept a donation knowing it to be prohibited by the Act.

*Subsection (4)* prescribes the penalties for violating the Act and renders a person liable on summary conviction to a fine not exceeding £5,000 or to imprisonment for a period not exceeding 12 months or to both. On conviction on indictment, the Act provides for the imposition of a fine not exceeding £20,000 or to imprisonment for a term not exceeding three years or to both.

*Section 6* details the steps to be taken upon a political party or individual discovering that a prohibited donation has been accepted. It is a requirement that not later than twenty-eight days after becoming aware that a donation accepted has been prohibited, the Public Offices Commission must be notified in writing of such acceptance and the donation or a sum equal to the value thereof must be furnished to the Commission together with an explanation detailing the date when the donation was accepted; the date when it was discovered to be in violation of the Act and an explanation detailing the background circumstances. The Commission is authorised to seek clarification of any such notification furnished to it and must within twenty-eight days of such notification or request for clarification, cause a copy of such notification and information received relating thereto to be laid before each House of the Oireachtas. The Bill makes provision for the Minister for Finance by way of Statutory Instrument made under the Act to detail the use to which may be put such funds as are furnished to the Public Offices Commission.

*Section 7* contains the usual title and collective citation provision.

*An Teachta Alan Shatter,*  
*Aibreán, 2001.*