

## Ethics in Public Office Acts 1995 and 2001

### **- Special Advisers (Spouses and Children) -**

#### **Statement by a Special Adviser of the Interests of a spouse, a child or child of a spouse, for the purposes of Section 19 of the Ethics in Public Office Act 1995**

The declaration requirements of the Ethics Acts apply to any special adviser whose remuneration exceeds the maximum salary (standard scale, Class B PRSI) of a higher executive officer in the Civil Service.

<b>Name:</b>	
<b>Position Held:</b>	
<b>Department:</b>	
<b>Date of Appointment:</b>	
<b>Period comprehended by this Statement:</b>	
<b>Address for correspondence:</b>	

In relation to each of the following registrable interests, you should state any interest held, to your actual knowledge, **by your spouse, a child of yours, or a child of your spouse**, which could materially influence<sup>1</sup> you in or in relation to the performance of your official functions. **It will not be necessary to specify the amount or monetary value of any interest or the remuneration of any trade, profession, employment, vocation or other occupation included in this statement.** Explanatory notes on certain of the required statements are attached.

**1. OCCUPATIONAL INCOME, ETC.**

Details of any remunerated trade, profession, employment, vocation or other occupation, the remuneration from which exceeded €2,600, during the period comprehended by this statement, should be listed here.

<b>Name of Person</b>	<b>Relationship to You</b>	<b>Description of Occupation</b>	<b>Business Address</b>

**2. SHARES, ETC.**

Details of any holding of shares in, or bonds or debentures of, or other like investments in, a particular company or other enterprise or undertaking, where the aggregate value of the holding exceeded €13,000 at any time during the period comprehended by this statement, should be listed here<sup>2</sup>.

<b>Name of Person</b>	<b>Relationship to You</b>	<b>Type of Holding</b>	<b>Where held</b>	<b>Nature of Business</b>

### 3. **DIRECTORSHIPS**

Details of any directorship or shadow directorship of any company held during the period comprehended by this statement should be listed here<sup>3</sup>.

<b>Name of Person</b>	<b>Relationship to You</b>	<b>Type of Directorship</b>	<b>Business Address</b>	<b>Nature of Business</b>

### 4. **LAND**

Details of any interest in land where the value of such interest exceeded €13,000 at any time during the period comprehended by this statement should be listed here, including -

- (i) any contract entered into for the purchase of land, whether or not a deposit or part payment has been made under the contract; and
- (ii) any option held to purchase land, whether or not any consideration has been paid in respect thereof, or land in respect of which such an option has been exercised but has not yet been conveyed<sup>4</sup>.

<b>Name of Person</b>	<b>Relationship to You</b>	<b>Property Address</b>	<b>Purpose for which used</b>

**5. TRAVEL, ACCOMMODATION, MEALS, ETC.**

Details of travel facilities, living accommodation, meals or entertainment supplied during the period comprehended by this statement, free of charge or at a price that was less than the commercial price or prices, should be listed here<sup>5</sup>.

<b>Name of Person</b>	<b>Relationship to You</b>	<b>Full Description</b>	<b>Name and Address of Supplier</b>

**6. OTHER REMUNERATED POSITIONS**

Details of any remunerated positions held as a political or public affairs lobbyist, consultant or adviser during the period comprehended by this statement, should be listed here.

<b>Name of Person</b>	<b>Relationship to You</b>	<b>Full Description of Position</b>	<b>Name and Address of Person/Company /Organisation</b>

## 7. PUBLIC SERVICE CONTRACTS

Details of any contract to which the person concerned was a party, or was in any other way, directly or indirectly interested, for the supply of goods or services to a Minister of the Government, or a public body during the period comprehended by this statement, if the value of the goods or services supplied exceeded €6,500 or, in case other goods or services were supplied under such a contract if the aggregate of their value and the value aforesaid exceeded €6,500, should be listed here.

<b>Name of Person</b>	<b>Relationship to You</b>	<b>Description of Contract and Interest</b>	<b>Name and Address of Contractor</b>	<b>Minister / Public Body Concerned</b>

## 8. GIFTS, PROPERTY & SERVICES

Details of:

- (i) any gift given during the period comprehended by this statement<sup>6</sup>;
- (ii) property supplied or lent, or a service supplied to the person, once or more than once by the same person, during the period comprehended by this statement, for a consideration or considerations, or at a price or prices less than the commercial consideration or considerations, or the commercial price or prices, by more than €650; and
- (iii) property lent, or a service supplied to the person, once or more than once by the same person, during the period comprehended by this statement, free of charge if the commercial consideration or considerations, or the commercial price or prices was, or were more than €650<sup>7</sup>;

should be listed here<sup>8</sup>.

Name of Person	Relationship to You	Full Description of Gift, Property and/or Service	Name and Address of Benefactor, Supplier and/or Lender

**9. OTHER INTERESTS**

In line with the provisions of Section 30 of the Ethics in Public Office Act 1995, voluntary statements in respect of any interests not specified in the Second Schedule to that Act (i.e., other than those specified at 1. to 8. above), and which are held by **your spouse, or a child of yours or your spouse**, may be listed here if it is considered that such interests could materially influence you in or in relation to the performance of your official duties.

Name of Person	Relationship to You	Details of Interest

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## NOTES

<sup>1</sup> which could materially influence you in or in relation to the performance of the functions of a special adviser by reason of the fact that such performance could so affect those interests as to confer on or withhold from your spouse or child of yours or child of your spouse a substantial benefit.

<sup>2</sup> "holding" does not include money in a current, deposit or other similar account with a financial institution.

<sup>3</sup> "shadow directorship" means the position held by a person who is a shadow director within the meaning of the Companies Acts 1963 to 1990, or, in the case of a public body that is not a company (within the meaning of the Companies Act 1963) and is specified in subparagraph (8), (9), (10), (11), or (12), or stands prescribed for the purposes of subparagraph (13), of paragraph 1 of the First Schedule to the Ethics in Public Office Act 1995, the position held by the person in accordance with whose instructions or directions, the members of the body, or the members of the board or other body that controls manages or administers that body, are accustomed to act.

<sup>4</sup> but excluding any interest in land consisting of any private home of the person or of his or her spouse, that is to say, a building or part of a building that is occupied by the person, or his or her spouse, or a child of the person, or of the spouse, as a separate dwelling and any garden or other land usually occupied with the dwelling, being land that is subsidiary or ancillary to it, is required for its amenity or convenience and is not being used or developed primarily for commercial purposes.

<sup>5</sup> but excluding:

(a) travel facilities, living accommodation, meals or entertainment provided

(i) within the State, or

(ii) in the course and for the purpose of:

- the performance of the functions of the person as a special adviser, or

- the trade, profession, employment, vocation or other occupation of the person (other than current position);

(b) travel facilities, living accommodation, meals or entertainment supplied to the person by a relative or friend of the person, or of his or her spouse, or of a child of the person or of his or her spouse, where such supply was in the nature of a gift to the person and for personal reasons only, unless the acceptance of such facilities, accommodation, meals or entertainment might reasonably be seen to have been capable of influencing him or her in the performance of his or her functions as a special adviser;

(c) travel facilities, living accommodation, meals or entertainment supplied to the person, once or more than once by the same person during the period comprehended by this statement, free of charge if the commercial price, or the aggregate of the commercial prices, of the facilities, accommodation, meals or entertainment did not exceed €650; or

(d) travel facilities, living accommodation, meals or entertainment supplied to the person, once or more than once by the same person during the period comprehended by this statement, at a price or prices less than the commercial price or prices by not more than €650.

<sup>6</sup> but excluding:

(i) a gift to the person by a relative or friend of the person or of his or her spouse, or of a child of the person or of his or her spouse, for purely personal reasons only, unless the acceptance of the gift by the person could have materially influenced him or her in the performance of his or her functions as a special adviser; and

(ii) a gift given to the person, or gifts given to the person by the same person, during the period comprehended by the statement, as respects which the value, or the aggregate value, of the property the subject of the gift or gifts did not exceed €650 at any time during the period comprehended by the statement.

<sup>7</sup> other than property supplied or lent, or a service supplied to a person by a relative or friend of the person, or of his or her spouse, or of a child of the person or of his or her spouse, where such supply or loan was in the nature of a gift to the person and for personal reasons only, unless the acceptance of the property or loan or the service by the person could have materially influenced him or her in the performance of his or her functions as a special adviser.

<sup>8</sup> insofar as services in (ii) and (iii) relate to legal or medical services (including psychiatric or psychological services), it is only necessary to state that such services were supplied to you or to a person (who need not be identified) in respect of whom you are required to make a statement.

ETHICS IN PUBLIC OFFICE ACT 1995 SECTION 19

Special advisers.

19.—(1) In this section "special adviser" means a person who—

( a ) occupies or occupied an excluded position (within the meaning of the Civil Service Commissioners Act 1956), having been selected for appointment to that position by an office holder personally otherwise than by means of a competitive procedure, or

( b ) is or was employed under a contract for services by an office holder, having been selected for the award of the contract by an office holder personally otherwise than by means of a competitive procedure,

and whose function or principal function as such a person is or was to provide advice or other assistance to or for the office holder.

(2) The period for which a person acting as a special adviser occupies the excluded position concerned or is employed under the contract for services concerned shall end not later than the date on which the office holder to whom he or she is acting as a special adviser ceases to hold the office by reference to which he or she is an office holder.

(3) ( a ) If the remuneration of a person as a special adviser exceeds a prescribed amount, then—

(i) subject to section 20 (3), in each year during any part of which the person is a special adviser, he or she shall prepare and furnish to the office holder concerned and the Commission a statement in writing of—

(I) the interests of the person, and  
(II) the interests of which he or she has actual knowledge of his or her spouse or a child of the person or of his or her spouse,

during the appropriate period specified in section 20 (1) which could materially influence the person in or in relation to the performance of his or her functions as a special adviser by reason of the fact that such performance could so affect those interests as to confer on or withhold from the person or the spouse or child a substantial benefit,

(ii) in any case where such a function falls to be performed and he or she has knowledge that he or she or a connected person has a

material interest in a matter to which the function relates, he or she—

(I) shall, as soon as may be, prepare and furnish to the office holder and to the Commission a statement in writing of those facts,

(II) shall not perform the function unless there are compelling reasons requiring him or her to do so, and

(III) shall, if he or she proposes to perform the function, prepare and furnish to the office holder and the Commission, before or, if that is not reasonably possible, as soon as may be after such performance, a statement in writing of the compelling reasons aforesaid,  
and

(iii) the person shall undertake not to engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or being incompatible with the performance by the person of his or her functions as a special adviser.

( b ) Different amounts may be prescribed under paragraph (a) in relation to different categories of special adviser.

(4) An office holder shall, in respect of a person who acts or acted as a special adviser to him or her, lay the following documents before each House of the Oireachtas, that is to say—

( a ) a copy of the contract, or a statement in writing of the terms and conditions, under which the person acts or acted as a special adviser,

( b ) a copy of any statement under subsection (3) (a) (i) of the interests of the person furnished to the office holder,

( c ) a statement as to whether the person is a relative of the office holder, and

( d ) if subsection (3) applies to the person, a statement of the qualifications of the person relevant to his or her functions as a special adviser.

(5) Section 13 (3) of the Civil Service Commissioners Act 1956, does not apply to the appointment to an established position (within the meaning of that Act) of a person who acts or has acted as special adviser.

(6) There shall be deemed to be included in the terms on which a person who is acting as a special adviser to an office

holder occupies the excluded position concerned or is employed under the contract for services concerned—

( a ) a term that the period for which the person occupies the excluded position or is employed under the contract for services shall end not later than the date on which the office holder ceases to hold the office by reference to which he or she is an office holder, and

( b ) if subsection (3) applies to the person, a term that he or she shall comply with that subsection.

(7) Subsection (4) shall be complied with not later than 60 days after the person concerned was appointed to act as a special adviser and, in case a document referred to in paragraph (b) of that subsection is furnished to the office holder concerned at any time after the expiration of the period aforesaid, not later than 60 days after that time, and such compliance shall, in a case where the office holder concerned dies or becomes incapacitated, be effected by the Taoiseach.

## **STATUTORY INSTRUMENT S.I. No 698 of 2004**

### **Ethics in Public Office (Designated Positions in Public Bodies) Regulations 2004**

AND WHEREAS it is appropriate to prescribe the amount of remuneration of a person as special adviser, for the purposes of section 19(3)(a):

5. The amount of the maximum salary (standard scale, Class B PRSI) of a higher executive officer in the Civil Service is prescribed for the purposes of section 19(3)(a) of the Act.