



Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government



16 October 2013

Circular Letter: F. 10/13

## **Revised forms and guidelines in connection with annual reporting requirements on political donations for elected members of local authorities and third parties**

### **1. Summary**

Arising from provisions contained within the Electoral (Amendment) (Political Funding) Act 2012 ('the 2012 Act') on the declaration of political donations and the reporting requirements for political donations accounts that became operational in 2013, revised forms and draft guidelines have been prepared for use in respect of the responsibilities attaching to elected members and third parties.

The 2012 Act amended the Local Elections (Disclosure of Donations and Expenditure) Act 1999 ('the 1999 Act') which sets out legal requirements on the acceptance of political donations and on election expenditure that apply to local authority members, political parties, third parties and local election candidates.

This circular letter summarises the changes made and provides information to local authorities on their responsibilities in respect of these changes. Attached are guidelines that can be made available by local authorities to elected members and third parties. These guidelines include the revised forms to be submitted by elected members and third parties for returns due in 2014 and in any subsequent year until further notice.

The changes now being notified are in addition to the revised requirements applying in respect of political donations that came into effect from January 1<sup>st</sup> 2013 and that were addressed in Circular Letter F. 10/12 of November 20<sup>th</sup> 2012. **The revised draft guidelines now circulated replace the draft guidelines issued with that circular in 2012.**

### **2. Donation Statement from a Member of a local authority**

Each person who, in the preceding year, was a member of a local authority is required, under section 19E of the Local Elections (Disclosure of Donations and Expenditure) Act 1999 to furnish to their local authority, not later than January 31<sup>st</sup>, a donation statement indicating whether during the preceding calendar year the member received from the same person, a donation exceeding €600 in value. This €600 declaration threshold came into effect on February 1<sup>st</sup> 2013. The previous threshold was €634.87.

For each donation over €600, the value must be stated together with the name, address and a description of the person by, or on whose behalf, the donation was made. Arising from amendments which also came into effect on February 1<sup>st</sup> 2013, the following additional information must now be provided on the donation statement:

- the date on which the donation was received;
- whether the donation was requested from the donor, and if so, the name of the person who requested the donation, and;
- whether a receipt issued to the donor in respect of the donation, and if so, the date on which the receipt issued and the name of the person who issued the receipt.

The form to be used by a member of a local authority in making a donation statement has been revised to reflect the amended requirements that have been introduced. The statutory declaration element of the donation statement has also been amended following changes to the required format for such declarations. The revised donation statement is at Appendix 1 to the draft guidelines document for elected members, which is attached. An Irish language version is also included.

### **3. Certificate to accompany a statement of a political donations account from a Member of a local authority**

A member of a local authority who receives, in any particular year, a monetary donation of more than €100 must open and maintain an account in a financial institution in the State and must lodge that donation and any further monetary donations received, of whatever value, to that account (referred to as a political donations account). The €100 threshold for opening a political donations account came into effect on January 1<sup>st</sup> 2013. The previous limit was €126.97.

Not later than January 31<sup>st</sup> in each year, a member of the local authority who was required to open a political donations account must furnish to the local authority, along with their donation statement, a statement provided by the financial institution where the political donations account was opened (under section 19D of the 1999 Act). The statement must specify the transactions that have taken place in relation to the account during the preceding year together with a certificate stating that all monetary donations received during the preceding year after the account was opened were lodged to the account and that all amounts debited from the account were used for political purposes.

The certificate submitted by an elected member to a local authority with their account statement from a financial institution has been amended to reflect the new monetary threshold applying. The statutory declaration element of the certificate has also been amended. The new version is included as Appendix 2 to the draft guidelines for elected members. An Irish language version is also included.

### **4. Certificate to accompany a statement of a political donations account from a third party**

A third party that receives a monetary donation in excess of €100 is required to register with their local authority, to open a political donations account and to submit a statement from a financial institution with a certificate and statutory declaration to their local authority not later than March 31<sup>st</sup> in each year.

The threshold amount for registration as a third party and for opening a political donations account was reduced to €100 with effect from January 1<sup>st</sup> 2013. The previous limit was €126.97. The certificate to be submitted by a third party to a local authority, which includes the necessary statutory declaration, has been revised. The new version is included as Appendix 1 to the draft guidelines document for third parties, which is attached. An Irish language version is also included.

#### **5. Draft Guidelines**

Section 18(6) of the 1999 Act provides that a local authority shall draw up and publish guidelines to assist persons to comply with the Act's provisions. To support local authorities in meeting this responsibility, the following attachments are included with this circular:

- Revised 'Draft Guidelines for Members of Local Authorities Concerning Donations'. It is advised that this document be sent by each local authority to its elected members;
- Revised 'Draft Guidelines for Third Parties concerning Donations'. It is advised that this document be sent by each local authority to third parties that are registered with the local authority, and made available to prospective or new third parties.

The two guidelines documents are identified as being in 'draft' form to enable each local authority to issue the guidelines under its own name. The term 'draft' does not reflect on the content of both documents, which should not be subject to substantive change before being issued.

#### **6. Further information**

If you have any queries, please contact the undersigned.



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