



STATUTORY INSTRUMENTS.

S.I. No. 432 of 2012



ELECTORAL (AMENDMENT) (POLITICAL FUNDING) ACT 2012
(COMMENCEMENT) (NO. 2) ORDER 2012

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(COMMENCEMENT) (NO. 2) ORDER 2012

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 1(4) of the Electoral (Amendment) (Political Funding) Act 2012 (No. 36 of 2012) hereby order as follows:

1. This Order may be cited as the Electoral (Amendment) (Political Funding) Act 2012 (Commencement) (No. 2) Order 2012.
2. The 6th day of November 2012 is appointed as the day on which sections 3(b) and 4 of the Electoral (Amendment) (Political Funding) Act 2012 come into operation.
3. The 1st day of January 2013 is appointed as the day on which sections 3(a), 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 21, 22, 23, 24, 25, 26, 28, 30, 31, 32, 33, 34, 35, 37, 38 and 39 of the Electoral (Amendment) (Political Funding) Act 2012 come into operation.
4. The 1st day of February 2013 is appointed as the day on which sections 15 (other than subsection (d)(i) of that section), 20, 29 and 36 of the Electoral (Amendment) (Political Funding) Act 2012 come into operation.
5. The 1st day of April 2013 is appointed as the day on which subsection (d)(i) of section 15 of the Electoral (Amendment) (Political Funding) Act 2012 comes into operation.
6. The 7th day of November 2013 is appointed as the day on which section 17 of the Electoral (Amendment) (Political Funding) Act 2012 comes into operation.



GIVEN under my Official Seal,
6 November 2012.

PHIL HOGAN,
Minister for the Environment, Community and
Local Government.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 9th November, 2012.*

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation)

This order brings into operation certain provisions in the Electoral (Amendment) (Political Funding) Act 2012.

Sections 3 and 4 introduce a provision to require a political party to submit information on its accounting units as a condition of registration as a political party under Part 3 of the Electoral Act 1992. This information is to be included on the Register of Political Parties with effect from January 1st 2013. Provisions in sections 3 and 4 to enable information on accounting units to be provided to the Registrar of Political Parties in advance of this date are to be commenced with immediate effect.

Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 21, 22, 23, 24, 25, 26, 28, 30, 31, 32, 33, 34, 35, 37, 38 and 39 are to be commenced with effect from January 1st 2013. These sections will introduce additional requirements and restrictions on the acceptance of political donations. These provisions apply to members of, and candidates seeking election to, the Dáil, Seanad, European Parliament and local authorities; to political parties, third parties and candidates at a Presidential election. They include the following provisions:

- the introduction of a ban on the acceptance of a corporate donation in excess of €200 from a corporate donor unless the donor has registered with the Standards in Public Office Commission and a statement is furnished to the recipient confirming that the donation has been approved by the members, shareholders or trustees of the corporate donor concerned;
- a reduction in the maximum amount that can be accepted as an anonymous donation from €126.97 (IR£100) to €100. The same reduction is to apply to the threshold for opening a political donations account. The definition of a ‘third party’ and ‘accounting unit’ is to be changed and these bodies will now be recognised as such upon receipt of a donation that exceeds €100. The previous figure was €126.97 (IR£100);
- a reduction in the maximum donation that can be accepted by an individual elected representative or candidate from €2,539.47 (IR£2,000) to €1,000 and by a political party, accounting unit or third party from €6,348.69 (IR£5,000) to €2,500;
- a ban on the acceptance of any cash donation over €200, and;
- where an indirect donation is given, the identity of the person on whose behalf the donation is made will have to be provided to the recipient. It will be an offence to fail to provide this information.

Subsections (a), (b), (c) and (d)(ii) of section 15, and sections 20, 29 and 36, are to come into operation on the 1st day of February 2013. Provisions in these sections and subsections will reduce the thresholds at which donations must be declared on a donation statement submitted to the Standards in Public Office Commission or local authority by an individual elected representative or candidate from €634.87 (IR£500) to €600. Additional information is to be included on a donation statement to identify whether the donation was solicited, the name of the person soliciting the donation, whether a receipt was given and the date the donation was given and received. Provision is made for a reduction in the threshold from €5,078.95 (IR£4,000) to €1,500 in the aggregate amount that a donor can give to multiple candidates of the same party before being required to submit a donation statement to the Standards in Public Office Commission.

Subsection (d)(i) of section 15 is to come into operation on the 1st day of April 2013. This provision will reduce the threshold for the declaration of donations received by a political party from €5,078.95 (IR£4,000) to €1,500.

Section 17 is to come into operation on the 7th day of November 2013. This provision will reduce from €5,078.95 (IR£4,000) to €200 the threshold at which donations must be reported by a company, trade union, society or building society in its annual report or return to the Registrar of Companies or Registrar of Friendly Societies.

BAILE ÁTHA CLIATH
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