



## **Gifts to Office Holders**

### **What is an office holder?**

Section 2 of the Ethics in Public Office Act 1995 (the Act) states that an office holder is:

- A person who is a Minister of the Government or a Minister of State; or
- A person who is Chairman or Deputy Chairman of the Daíl or Seanad.

### **What is a gift?**

The Act provides that a “gift” means a gift of money or other property, excluding a donation (within the meaning of the Electoral Act 1997). Certain academic and diplomatic awards are not regarded as gifts for the purpose of the Ethics Act.

### **What gifts can be accepted?**

Any gift valued at more than €650 cannot be accepted, unless given by a friend or relative.

Any gift valued at less than €650 can be accepted, unless it violates the provisions of other legislation, including the Criminal Justice (Corruption Offences) Act 2018. For example, gifts received from a visiting foreign delegation, or a token as a thank you for making a speech would generally be acceptable.

However, the Corruption Offences Act provides that a gift given to an official by or on behalf of a person with an interest in the office holder’s functions is presumed to be given and received corruptly. Such gifts are therefore prohibited.

### **What must an office holder do on receipt of a gift exceeding €650 in value?**

An office holder must surrender any gift valued at more than €650 given to him/herself, or to their spouse, civil partner, child or child of a spouse or civil partner, by virtue of their office. Such gifts will be deemed to be a gift to the State and will vest in the Minister for Public Expenditure and Reform.

The office holder must inform the Secretary General to the Government of the gift as soon as possible, and retain custody of the property until instructions of the Secretary General regarding its disposal are received. The Secretary General must arrange for custody of the property or for its disposal by sale or gift. In the event of a sale, the proceeds may be paid to the Exchequer or be donated to charity. The office holder is obliged to comply with the instructions of the Secretary General.

*In the event of doubt, the Secretary General to the Government will determine the value of any gift and the question of whether any gift has been given by virtue of the office held.*

## **When is a gift to an Office Holder acceptable?**

The surrender requirement does not apply to gifts valued at less than €650, to political donations (which may be disclosable under the Electoral Act), or to gifts given by a friend, relative or civil partner for personal reasons. Gifts received by virtue of another office or position held or because of a status enjoyed in another capacity are acceptable.

### **Other**

Additionally, office holders and spouses/partners should not accept offers of free travel or accommodation in connection with official activities, where such offers are made by private citizens or private enterprises. Discretion may be used where an office holder is the official guest of another Government or official body.

Office holders should exercise particular care in accepting gifts or hospitality from friends, or connected persons (as defined in the Act) where such persons may stand to benefit or suffer a loss arising from a decision made, or to be made, by an office holder or by the Government and of which the office holder is aware.

Office holders should familiarise themselves with the guidelines published by the Government on the steps to be taken if an office holder, or a spouse or a child, is offered or supplied with property or services for free or below the commercial price, or with a loan of property free or below the commercial price.

Members of the Oireachtas must not accept a gift that may pose a conflict of interest or which might interfere with the honest and impartial exercise of their official duties. They should also exercise caution when accepting gifts from someone who might later lobby them.

## **Regulation of Lobbying Act 2015**

Under the Regulation of Lobbying Act 2015, the Standards Commission published a Code of Conduct for persons carrying on lobbying activities. The Code commenced on 1 January 2019. All office holders who are designated public officials for the purposes of the lobbying legislation should familiarise themselves with the Code.

Principle 6 of the Code deals with improper influence. The Code states that “A person carrying on lobbying activities should not, in the course of their lobbying activities, seek to create a sense of obligation on the part of the elected or appointed official by making any offer of gifts or hospitality.” The Code further provides that a person carrying on lobbying activities “should be aware of any rule or code of conduct which might apply to the acceptance of gifts or hospitality by elected or appointed public officials”.

### **Need more information?**

If you are unclear on your obligations relating to gifts or any other matter, the Commission encourages you to seek advice. Please contact us at:

18 Lower Leeson Street, Dublin 2

Telephone: (01) 639-5666

Email: [sipo@sipo.ie](mailto:sipo@sipo.ie)

Website: [www.sipo.ie](http://www.sipo.ie)

@SIPOCIreland