



Number 30 of 2001

**OIREACTHAS (MINISTERIAL AND PARLIAMENTARY
OFFICES) (AMENDMENT) ACT, 2001**

ARRANGEMENT OF SECTIONS

Section

1. Payment of annual allowances to parliamentary leaders of qualifying parties.
 2. Short title and collective citation.
-

[No. 30.]

*Oireachtas (Ministerial and
Parliamentary Offices)
(Amendment) Act, 2001.*

[2001.]

ACTS REFERRED TO

Electoral Acts, 1923 to 1990

Electoral Acts, 1992 to 1999

European Parliament Elections Acts, 1977 to 1993

European Parliament Elections Acts, 1992 to 1999

Friendly Societies Acts, 1896 to 1977

Industrial and Provident Societies Acts, 1893 to 1978

Ministerial and Parliamentary Offices Act, 1938

1938, No. 38

Ministerial and Parliamentary Offices Acts, 1938 to 1998

Oireachtas (Allowances to Members) Acts, 1938 to 1998

Oireachtas (Miscellaneous Provisions) and Ministerial and
Parliamentary Offices (Amendment) Act, 1996

1996, No. 39

Presidential Elections Acts, 1937 and 1992

Presidential Elections Acts, 1992 to 1997

Referendum Acts, 1942 to 1992

Referendum Acts, 1992 to 1998

Seanad Electoral (Panel Members) Acts, 1947 to 1972

Seanad Electoral (University Members) Acts, 1937 to 1973



Number 30 of 2001

**OIREACHTAS (MINISTERIAL AND PARLIAMENTARY
OFFICES) (AMENDMENT) ACT, 2001**

AN ACT TO AMEND AND EXTEND THE MINISTERIAL
AND PARLIAMENTARY OFFICES ACT, 1938.

[14th July, 2001]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The Ministerial and Parliamentary Offices Act, 1938, is amended by the substitution for section 10 (inserted by section 5 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act, 1996) of the following: Payment of annual allowances to parliamentary leaders of qualifying parties.

“10.—(1) There may be paid to the parliamentary leader of a qualifying party, in relation to expenses arising from the parliamentary activities, including research, of the party, where he or she is a member of Dáil Éireann in respect of—

(a) members of that party elected to Dáil Éireann at the last preceding general election or a subsequent by-election as members of that party—

(i) an annual allowance of €48,547 (£38,234), where not more than 10 members of that party are so elected,

(ii) an annual allowance of €38,837 (£30,587), where more than 10 members but not more than 30 members of that party are so elected, and

(iii) an annual allowance of €19,423 (£15,297), where more than 30 members of that party are so elected,

and

(b) members of that party elected to Seanad Éireann at the last preceding general election or a subsequent by-election or nominated to it after the last preceding general election, as members of that party—

(i) an annual allowance of €31,743 (£25,000), where not more than 5 members of that party are so elected or nominated, and

S.1

- (ii) an annual allowance of €15,872 (£12,500), where more than 5 members of that party are so elected or nominated.

(2) In the case of a qualifying party forming or forming part of the Government, the combined allowances under subsection (1)(a) of this section shall be reduced by one-third.

(3) There may be paid to—

- (a) a member of Dáil Éireann, who at the last preceding general election or at a subsequent bye-election was elected as a member of Dáil Éireann other than as a member of a qualifying party, an annual allowance in connection with his or her parliamentary activities of €27,934 (£22,000),
- (b) a member of Seanad Éireann, who at the last preceding general election or at a subsequent bye-election was elected as a member of Seanad Éireann or nominated to it as a member after the last preceding general election, other than as a member of a qualifying party, an annual allowance in connection with his or her parliamentary activities of €15,872 (£12,500).

(4) Subject to the approval of the Minister for Finance and to such exceptions, restrictions and conditions as may be provided for by regulations, secretarial facilities may be provided to a qualifying party for the purposes of facilitating the parliamentary activities of its elected members.

(5) An allowance paid by virtue of this section shall not be used for, or to recoup, election or poll expenses incurred for the purposes of any election or poll held under—

- (a) the Electoral Acts, 1923 to 1990, or the Electoral Acts, 1992 to 1999,
- (b) the European Parliament Elections Acts, 1977 to 1993, or the European Parliament Elections Acts, 1992 to 1999,
- (c) the Presidential Elections Acts, 1937 and 1992, or the Presidential Elections Acts, 1992 to 1997,
- (d) the Referendum Acts, 1942 to 1992, or the Referendum Acts, 1992 to 1998,
- (e) the Seanad Electoral (Panel Members) Acts, 1947 to 1972, or
- (f) the Seanad Electoral (University Members) Acts, 1937 to 1973.

(6) An allowance paid by virtue of this section shall not be liable to income tax.

(7) An allowance under this section shall not be paid or be payable in respect of the period in office of the Ceann Comhairle where at the last preceding general election or at a subsequent bye-election he or she was elected as a member of Dáil Éireann—

- (a) other than as a member of a qualifying party, or S.1
(b) as a member of a qualifying party but is the only member of the qualifying party so elected.

(8) Any allowance which is payable, and any facility which is to be provided, by virtue of this section shall be paid and provided in addition to any other allowance or salary payable, or any other facility provided, under the Oireachtas (Allowances to Members) Acts, 1938 to 1998, or the Ministerial and Parliamentary Offices Acts, 1938 to 1998.

(9) Allowances payable by virtue of this section shall, in respect of each member of Dáil Éireann or Seanad Éireann, be calculated for each week the person was at any time during that week a member thereof, and it shall be paid—

- (a) to each qualifying parliamentary party leader at the time of payment, or
(b) where subsection (3) of this section applies, to each member concerned,

for such period in arrears as the Minister for Finance considers appropriate.

(10) Where—

- (a) the members of a qualifying party agree that from a specified date the party (referred to subsequently in this subsection as the ‘dissolved party’) shall stand dissolved and—
(i) that the dissolved party shall from that date amalgamate with, or
(ii) all its members shall join,
a specified other qualifying party, and
(b) that other qualifying party agrees to give effect to that amalgamation or to accept into membership all the members of the dissolved party on the date specified,

then all members of the dissolved party, who were elected as members of Dáil Éireann or elected, or nominated to, as members of Seanad Éireann as members of that party at the last preceding general election, or at any subsequent bye-election before its dissolution, shall, for the purposes of subsection (1) of this section, from the date of dissolution of the dissolved party, be deemed to be members of that other party as if elected as members of Dáil Éireann or elected, or nominated to, as members of Seanad Éireann as members of that other party at the last preceding general election or at a subsequent bye-election before such dissolution.

- (11) (a) As soon as may be, but not later than 120 days, after the end of the financial year in which an annual allowance under this section has been paid to a parliamentary leader of a qualifying party, he or she shall prepare, or cause to be prepared, a statement of any expenditure from that allowance.

S.1

- (b) Subject to paragraph (c) of this subsection, where a person who is the parliamentary leader of a qualifying party ceases to be parliamentary leader of the party in respect of which he or she has received an annual allowance or portion thereof under this section—
- (i) he or she shall prepare, or cause to be prepared, or
 - (ii) where he or she ceases to be such leader by reason of his or her death, his or her personal representative shall prepare, or cause to be prepared,
- a statement of any expenditure from that allowance.
- (c) Paragraph (b) of this subsection does not apply where the person who has ceased to be the parliamentary leader, or his or her personal representative, and the person who succeeds him or her as the parliamentary leader of the qualifying party, agree in writing that a statement of any expenditure from the annual allowance paid to the former parliamentary leader shall be included in the next statement of his or her successor under paragraph (a) of this subsection.
- (d) A person who prepares or causes to be prepared, a statement under this subsection, shall cause it to be audited by a public auditor and shall furnish that statement and the relevant report of the auditor to the Public Offices Commission.
- (e) The Public Offices Commission shall—
- (i) consider the statement and auditor's report furnished to it under this subsection,
 - (ii) if it considers appropriate, consult with the parliamentary leader on any matter contained in it before furnishing its report to the Minister for Finance under subparagraph (iii) of this paragraph,
 - (iii) furnish a report in writing on the statement and auditor's report to the Minister for Finance indicating whether they—
 - (I) have been made within the specified period,
 - (II) disclose any expenditure which does not comply with subsection (5) of this section,
 - (III) are adequate, or
 - (IV) are inappropriate,
 - (iv) cause a copy of that report to be laid before each House of the Oireachtas, and
 - (v) retain at the office of the Commission every copy of a statement and auditor's report furnished to it under this subsection for a period of 3 years

and shall permit any person to inspect such S.1 documents free of charge, and to take a copy or an extract of it on payment of a fee not exceeding the reasonable cost of copying, at such times and subject to such conditions as the Commission considers appropriate.

(f) This subsection does not apply to an allowance paid to a parliamentary leader under this section before 1 January 2001.

(12) (a) An allowance under this section shall not be paid to a parliamentary leader unless the statement and the report of the auditor referred to in subsection (11) of this section have been received by the Public Offices Commission not more than 120 days after the end of the financial year to which the statement and report relates.

(b) The period of 120 days referred to in paragraph (a) of this subsection shall be extended by any period for which Dáil Éireann stands dissolved which coincides with that period.

(13) The Minister for Finance may, after consulting the parliamentary leaders and after considering any report made by the Public Offices Commission under subsection (11)(e) of this section, by regulations amend subsection (14) of this section, by inserting additional categories of expenditure arising from parliamentary activities.

(14) In this section—

‘expenses arising from parliamentary activities, including research’ includes expenditure on the following categories—

- (a) the general administration of the parliamentary activities of a qualifying party,
- (b) the provision of technical or specialist advice likely to be required in connection with legislative proposals or potential parliamentary initiatives,
- (c) research and training,
- (d) policy formulation,
- (e) the provision of consultants’ services, including the engagement of public relations consultants,
- (f) polling or public attitude sampling in connection with parliamentary debates or initiatives,
- (g) the purchase of support services for a parliamentary party from the party,
- (h) the payment to a parliamentary leader of any salary or honorarium in respect of duties arising from his or her activities as such leader as distinct from those of a member of Dáil Éireann or a holder of a ministerial office,

S.1

- (i) the payment to another person of any salary or honorarium in respect of duties arising from the person's activities in a parliamentary party,
- (j) the provision for, or recoupment of, transport and personal expenditure incurred by a parliamentary leader, officers or a parliamentary party spokesperson as a result of their parliamentary party function,
- (k) entertainment;

'public auditor' means a public auditor for the purposes of the Industrial and Provident Societies Acts, 1893 to 1978, and the Friendly Societies Acts, 1896 to 1977;

'qualifying party' means a political party registered in the Register of Political Parties which contested the last preceding general election or any subsequent bye-elections and which had a member or members elected to Dáil Éireann or elected or nominated to Seanad Éireann at that general election or at any subsequent bye-election."

Short title and collective citation.

2.—(1) This Act may be cited as the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act, 2001.

(2) The Ministerial and Parliamentary Offices Acts, 1938 to 1998, and this Act may be cited together as the Ministerial and Parliamentary Offices Acts, 1938 to 2001.