Changes to Legislation: as of 14 September 2026, this Act is up to date with all changes known to be in force.

Number 31 *of* 2001

STANDARDS IN PUBLIC OFFICE ACT 2001

REVISED

Updated to 1 January 2025

This Revised Act is an administrative consolidation of the *Standards in Public Office Act 2001*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Family Courts Act 2024* (48/2024), enacted 13 November 2024, and all statutory instruments up to and including the *European Union (Mercury) (Amendment) Regulations 2024* (S.I. No. 754 of 2024), made 19 December 2024, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 31 *of* 2001

STANDARDS IN PUBLIC OFFICE ACT 2001

REVISED

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Number 31 *of* 2001

STANDARDS IN PUBLIC OFFICE ACT 2001

REVISED

Updated to 1 January 2025

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A COMMISSION, TO BE KNOWN AS THE STANDARDS IN PUBLIC OFFICE COMMISSION, TO CONFER ON IT THE FUNCTIONS OF THE PUBLIC OFFICES COMMISSION AND CERTAIN OTHER FUNCTIONS, TO PROVIDE FOR THE FURNISHING OF TAX CLEARANCE CERTIFICATES TO THAT COMMISSION BY PERSONS UPON ELECTION TO EITHER HOUSE OF THE OIREACHTAS OR APPOINTMENT TO JUDICIAL OFFICE OR SENIOR OFFICE, TO AMEND THE STATUTORY DECLARATIONS ACT, 1938, THE ETHICS IN PUBLIC OFFICE ACT, 1995, AND THE ELECTORAL ACT, 1997, AND TO PROVIDE FOR CONNECTED MATTERS. [14*th July*, 2001]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act, unless the context otherwise requires—

"the Act of 1997" means the Electoral Act, 1997;

F2**[**"the Acts" means—

(*a*) the Tax Acts,

(*b*) the Capital Acquisitions Tax Consolidation Act 2003, and the enactments amending or extending that Act,

(*c*) the Capital Gains Tax Acts,

(*d*) the Value-Added Tax Consolidation Act 2010, and the enactments amending or extending that Act, and

(*e*) the Finance (Local Property Tax) Act 2012, and the enactments amending or extending that Act;**]**

"application statement" means a statement issued under *section 25(4)*;

"Collector-General" means the Collector-General appointed under section 851 of the Taxes Consolidation Act, 1997;

"the Commission" means the Standards in Public Office Commission established by section 21 (as amended by this Act) of the Principal Act;

"donation" has the meaning assigned to it by Part IV of the Electoral Act, 1997;

"head", in relation to a public body, has the meaning assigned by the Freedom of Information Act, 1997, to head, in relation to a public body (within the meaning of that Act), with any necessary modifications;

"inquiry officer" shall be construed in accordance with *section 6*;

"the Principal Act" means the Ethics in Public Office Act, 1995;

"senior office" means—

(*a*) a designated directorship of a public body specified in subparagraphs (8) to (12), or standing prescribed under subparagraph (13), of paragraph 1 of the First Schedule to the Principal Act, or

(*b*) a designated position in a public body,

in relation to which the remuneration is not less than the lowest remuneration in relation to the position of Deputy Secretary General in the Civil Service (within the meaning of the Civil Service Regulation Act, 1956);

"tax clearance certificate" means a certificate issued under *section 25(1)*.

(2) A word or expression that is used in this Act and also in the Principal Act shall, unless the context otherwise requires, have the same meaning in this Act as it has in the Principal Act.

(3) In this Act—

(*a*) a reference to a section or Schedule is a reference to a section of, or a Schedule to, this Act, unless it is indicated that reference to some other provision is intended,

(*b*) a reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and

(*c*) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment.

Establishment and membership of Commission.

2.—Section 21 of the Principal Act is hereby amended by the substitution of the following subsections for subsections (1) and (2):

"(1) There is hereby established, in place of the Public Offices Commission, a commission (which shall be known as the Standards in Public Office Commission and is referred to in this Act as 'the Commission').

(2) The Commission shall consist of 6 members, namely—

(*a*) a chairperson who shall be a judge, or a former judge, of the Supreme Court or the High Court, and

(*b*) the following ordinary members—

(i) the Comptroller and Auditor General,

(ii) the Ombudsman,

(iii) the Clerk of Dáil Éireann,

(iv) the Clerk of Seanad Éireann, and

(v) a person who—

(I) is appointed to be such a member by the Government following resolutions passed by each House approving the proposed appointment, and

(II) is a former member of one of the Houses and is not a representative in the European Parliament.

(2A) The appointment of a person to be the chairperson of the Commission shall be made by the President on the advice of the Government following resolutions passed by each House recommending the appointment.

(2B) A person appointed to be the chairperson of the Commission—

(*a*) may at his or her own request be relieved of office by the President, and

(*b*) may be removed from office by the President but shall not be removed from office except for stated misbehaviour, incapacity or bankruptcy and then only following resolutions passed by each House calling for his or her removal.

(2C) Subject to the provisions of this section, a person appointed to be the chairperson of the Commission shall hold office for a term of 6 years and may be re-appointed to that office for a second or subsequent term.

(2D) The chairperson of the Commission (other than a chairperson who is the holder of a judicial office) shall be paid such remuneration (if any) as may be determined by the Minister.

(2E) (*a*) If the chairperson of the Commission notifies the Minister that he or she is for any reason temporarily unable to act as such chairperson, the Minister shall appoint such person, being a judge, or a former judge, of the Supreme Court or the High Court, as the Chief Justice may nominate for the purpose to act as such chairperson for the duration of such inability.

(*b*) Upon the appointment of a person pursuant to *paragraph (a)* to be the chairperson of the Commission, the person who is temporarily unable to act as such chairperson shall be deemed for the duration of the inability not to be the chairperson and not to be a member of the Commission.

(2F) If the person who is the chairperson of the Commission ceases (otherwise than by death or removal from office) during his or her term of office as such chairperson to be a judge of the High Court and is not a judge of the Supreme Court or so ceases to be a judge of the Supreme Court, he or she shall continue to be such chairperson until the expiration of his or her term of office.

(2G) If, after the commencement of an investigation under section 23 and before compliance by the Commission with section 24 in relation to the investigation, a person who is an ordinary member of the Commission ceases (otherwise than by death or by removal from office) to hold the office by reference to which he or she was a member of the Commission, the person shall, subject to his or her consent, continue to be a member of the Commission for the purposes of the investigation until section 24 is complied with in relation to the investigation unless the Commission determines otherwise.

(2H) An ordinary member of the Commission appointed to be such member under subsection (2)(b)(v)—

(*a*) shall hold office for a term of 6 years and may be re-appointed to that office for a second or subsequent term,

(*b*) shall cease to hold office if he or she—

(i) is nominated as a member of Seanad Éireann,

(ii) is nominated for election as a member of either House or to be a representative in the European Parliament, or

(iii) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act, 1997, as having been elected to that Parliament,

(*c*) subject to the provisions of this subsection, shall hold office upon such terms and conditions (including terms and conditions relating to remuneration (if any) and allowances (if any) for expenses) as may be determined by the Minister,

(*d*) may resign from office by notice in writing given to the Minister and the resignation shall take effect on the date on which the Minister receives the notice,

(*e*) may be removed from office at any time by the Government but shall not be removed from office except for stated misbehaviour, incapacity or bankruptcy and then only following resolutions passed by each House calling for his or her removal.

(2I) Notwithstanding anything contained in the *Act of 2001* or this Act, such functions of the Commission as it may determine may be performed in relation to such matter or matters as it may determine by the Commission consisting only of the chairperson of the Commission, and the *Ethics in Public Office Acts, 1995 and 2001*, and the *Electoral Acts, 1992 to 2001*, and any regulations made under section 72 of the Act of 1997 shall have effect accordingly in relation to any such determinations with any necessary modifications.

(2J) The Commission shall from time to time, but not less than twice each year, consult with the Committees in relation to the operation of this Act, the *Act of 2001* and, in so far as it is relevant to the functions of the Commission and the Committees, the Electoral Act, 1997, and in relation to such (if any) other matters as they consider appropriate.".

Additional functions of Commission.

3.—In addition to the functions conferred on the Commission by the Principal Act and the other sections of this Act, the Commission shall have the functions conferred on the Public Offices Commission by the Act of 1997.

Complaints to Commission.

4.—(1) Where a person ("the complainant") considers that—

(*a*) a specified person or a person who, in relation to a specified person, is a connected person may have done an act or made an omission after the commencement of *section 2* that is, or the circumstances of which are, such as to be inconsistent with the proper performance by the specified person of the functions of the office or position by reference to which he or she is such a person or with the maintenance of confidence in such performance by the general public, and the matter is one of significant public importance,

(*b*) a specified person may have contravened a provision of the Principal Act, or

(*c*) a specified person may have contravened a provision of the Act of 1997,

the complainant may make a complaint in relation to the matter to the Commission.

(2) *Subsection (1)* does not apply to an act or omission of a specified person or a person who, in relation to a specified person, is a connected person if it—

(*a*) relates to a private matter and is unrelated to the functions of the office or position by reference to which the specified person is such a person, or

(*b*) results from incompetence or inefficiency in the performance of, or from failure to perform, such a function, on the part of the specified person.

(3) A complaint under *subsection (1)* shall be in writing or in such other form as may be determined by the Minister.

(4) The Commission may request an inquiry officer to carry out a preliminary inquiry into any complaint under *subsection (1)* falling within *paragraph (a)* of that subsection unless it considers the complaint to be frivolous or vexatious.

(5) Where the subject matter of a complaint made or referred to the Commission is not, in the opinion of the Commission, of sufficient gravity to warrant investigation by the Commission, the Commission, at its discretion, either, shall not investigate it or shall refer it—

(*a*) in case it relates to a person who is or, at the time to which the complaint relates, was a member, to such committee of the House concerned as it considers appropriate,

(*b*) in case it relates to a person who is or, at the time aforesaid, was the holder of a designated directorship or any directorship, or the occupier of a designated position or any position, in a public body, to the head of the body,

(*c*) in case it relates to a person who is or was at the time aforesaid a special adviser, to the office holder to whom he or she is or was acting as special adviser.

(6) (*a*) In *subsection (1)*, "specified person" means a person who—

(i) is or, at the time to which the complaint concerned relates, was an office holder or the holder of the office of Attorney General but not a member,

(ii) is or, at the time aforesaid, was a special adviser or held a designated directorship of, or occupied a designated position, in a public body, or

(iii) holds or occupies or, at the time aforesaid, held or occupied a directorship or a position of employment in a public body.

(*b*) Without prejudice to the generality of the expression "significant public importance" in *subsection (1)*, a matter shall, if the Commission consider it appropriate to do so having regard to all the circumstances, be deemed by it, for the purposes of that subsection, to be of significant public importance if it relates to a benefit alleged to have been received by a specified person or a person who, in relation to a specified person, is a connected person and, in the opinion of the Commission, the value of the benefit was, is or might have been or be expected to be or to become not less than £10,000.

Immunity etc., for complainants.

5.—(1) Where a person ("the complainant")—

(*a*) in good faith makes a complaint under this Act or the Principal Act to the Commission, a Committee or a Clerk, and

(*b*) reasonably believes that the complaint has been made to the appropriate person and is one that falls to be investigated under the Principal Act,

no cause of action shall lie against the person, and no disciplinary action shall be taken against him or her, in respect of, or of any matter arising from—

(i) the complaint,

(ii) the furnishing of information to the Commission, a Committee, a Clerk or an inquiry officer in relation to the complaint,

(iii) the performance by the Commission, a Committee, a Clerk or an inquiry officer of a function of it or of his or hers under this Act or the Principal Act in relation to the complaint.

(2) *Subsection (1)* does not apply to a complainant who makes a complaint referred to in that subsection knowing it to be false, misleading, frivolous or vexatious or who furnishes information to the Commission, a Committee, a Clerk or an inquiry officer that he or she knows to be false or misleading.

F3**[**(2A) *Subsection (1)* does not apply to the making of a complaint, or the furnishing of information, that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.**]**

(3) Where an employer dismisses an employee to whom the Unfair Dismissals Act, 1977, applies and the dismissal constitutes disciplinary action taken in contravention of *subsection (1)* in relation to the employee, the dismissal is a dismissal deemed for the purposes of that Act, by virtue of section 6(2)(*f*) thereof, to be an unfair dismissal.

(4) A person who takes disciplinary action in contravention of *subsection (1)* in relation to another person shall be guilty of an offence and shall be liable—

(*a*) on summary conviction, to a fine not exceeding £1,500,

(*b*) on conviction on indictment, to a fine not exceeding £50,000.

(5) (*a*) In this section "disciplinary action" means an act—

(i) that is done in relation to a complainant, whether as respects the employment of the complainant or otherwise, and

(ii) that is wholly or mainly intended as punishment or retaliation for the complaint concerned, a matter referred to in *subsection (1)* or an action referred to in *paragraph (ii)* or *(iii)* of that subsection.

(*b*) Where an act referred to in *paragraph (a)* is done by a person acting at the instigation, or on behalf, of the person the subject of a complaint referred to in *subsection (1)*, both of those persons shall be deemed, for the purposes of *subsection (4)*, to have taken disciplinary action in contravention of *subsection (1)* in relation to the complainant.

(*c*) In *paragraph (a)* the reference to the doing of an act includes a reference to the making of an omission.

Inquiry officers.

6.—(1) The Commission may authorise such and so many persons as it may determine (referred to in this Act as "inquiry officers") to perform the functions conferred on inquiry officers by this section.

(2) Whenever so requested by the Commission, an inquiry officer shall, for the purpose of assisting it in the performance of its functions, carry out a preliminary inquiry into a complaint under section 22 of the Principal Act or *section 4* by—

(*a*) requesting the person who made the complaint, or any other person whose evidence would or might, in the opinion of the officer, be relevant to the inquiry, at the option of the person, to—

(i) provide him or her with a statement in writing of the evidence that the person would give to the Commission in relation to the matter at an investigation of the complaint by the Commission under section 23 of the Principal Act, or

(ii) make a statement of the evidence aforesaid at a meeting with him or her which the officer shall write down,

within such reasonable period as may be specified by the officer,

(*b*) furnishing the person against whom the complaint is made with particular of the complaint and copies of the statement or statements under *paragraph*

(a) and with copies of any relevant documents and requesting the person, at the option of the person, to—

(i) provide him or her with a statement in writing of the evidence that the person would give to the Commission in relation to the matter at such an investigation as aforesaid in relation to the matter, or

(ii) make a statement of the evidence aforesaid at a meeting with him or her which the officer shall write down,

within such reasonable period as may be specified by the officer, and

(*c*) where appropriate, conducting interviews with the persons referred to in *paragraphs (a)* and *(b)*, and questioning them, for the purpose of the making of the statements aforesaid.

(3) Following an inquiry pursuant to *subsection (2)*, the inquiry officer concerned shall prepare a report in writing of the results of the inquiry and shall furnish the report and the statement or statements under *subsection (2)* and any relevant documents to the Commission; and the report shall not contain any determinations or findings, but shall, if the Commission so requests, include an expression of the opinion of the officer as to whether there is *prima facie* evidence to sustain the complaint concerned.

(4) A statement under *subsection (2)* shall be signed (or, where necessary, otherwise identified) by the person by whom it was made and, if the statement was made pursuant to *paragraph (a)(ii)* or *(b)(ii)* of that subsection, the signing shall be effected in the presence of the inquiry officer concerned, who shall then sign the statement.

(5) An inquiry officer may request the production by a person of any document in the possession or control of the person that the officer considers relevant to his or her inquiry.

(6) Where a document is produced by a person to an inquiry officer pursuant to a request under *subsection (5)*, the officer may, with the consent of the person, retain the document in his or her possession for a reasonable period for the purpose of examining and copying it.

(7) A person being interviewed pursuant to *subsection (2)* may decline to answer any question asked, or refuse a request to produce a document made, by the inquiry officer concerned and may terminate the interview at any time and a person to whom a request is made under *subsection (2)* or *(5)* may refuse to comply with the request.

(8) An inquiry officer shall be furnished with the authorisation under *subsection (1)* relating to him or her and, when exercising a power under this section, shall, if so requested by a person affected, produce the authorisation or a copy of it to the person.

Investigations by Commission.

7.—Section 23 of the Principal Act is hereby amended by the substitution of the following subsections for subsection (1):

"(1) (*a*) Subject to the provisions of this section, where a complaint is made to the Commission under *section 4* of the *Act of 2001* or made or referred to it under section 22 or the Commission considers it appropriate to do so, the Commission shall carry out an investigation to determine whether, as appropriate—

(i) the person concerned or a connected person has done a specified act, or

(ii) the person concerned has contravened Part II, III or IV or the Act of 1997.

(*b*) Subject to the provisions of this section, where the Commission considers in the case of—

(i) a person who may have contravened Part II, III or IV or the Act of 1997 at a time when he or she was an office holder,

(ii) a person who is an office holder and who may have contravened Part II or the Act of 1997 before becoming an office holder,

(iii) a person to whom section 22(4)(*b*)(i) applies and who may have contravened Part IV, or

(iv) a person who may have done a specified act,

that it is appropriate to do so, it shall carry out an investigation to determine, whether, as may be appropriate—

(I) the person referred to in subparagraph (i) contravened Part II, III or IV or the Act of 1997 at a time when he or she was an office holder,

(II) the person referred to in subparagraph (ii) contravened Part II or the Act of 1997 before becoming an office holder,

(III) the person referred to in subparagraph (iii) contravened Part IV, or

(IV) the person referred to in subparagraph (iv) did a specified act.

(1A) The Commission shall not carry out an investigation under *subsection (1)* into a complaint under *subsection (1)* of *section 4* of the *Act of 2001* in relation to a matter referred to in *paragraph (a)* of that subsection unless—

(*a*) the complaint was made or referred to it by a Committee, or

(*b*) the Commission becomes of opinion, after consideration by it of any report of an inquiry officer in relation to the matter and any statements or documents accompanying the report, that there is sufficient evidence to establish a *prima facie* case in relation to the alleged specified act concerned and that, if it was in fact done, it is an act falling within the said *paragraph (a)*.

(1B) The Commission shall not investigate a complaint by a person other than a member or a person referred to in paragraph (*c*) or (*d*) of section 22(4) if it considers the complaint to be frivolous or vexatious.

(1C) Subject to subsection (1A)(*b*), if the Commission becomes of opinion that evidence sufficient to sustain a complaint referred or made to it under section 22 or *section 4* of the *Act of 2001* is not and will not be available, it may decide not to carry out, or to discontinue, an investigation under this section and, if it does so, it shall prepare a record of the decision and subsection (1) and (4) of section 24 shall apply in relation to such a record as it applies to a report under subsection (1) of that section with any necessary modifications,".

Identity of persons making complaints.

8.—The Commission or a Committee shall not investigate a complaint made or referred to it unless the identity of the person making the complaint is disclosed to it. Where, having regard to all the circumstances, the Commission or a Committee considers it appropriate to do so, it may restrict the disclosure of such identity to those to whom knowledge of it is necessary or expedient for the purposes or by reason of the investigation of the compliant by the Commission or the Committee, as the case may be, or otherwise in the interests of justice.

Costs of persons appearing before Commission or a Committee.

9.—(1) Where following an investigation by the Commission under section 23 of the Principal Act or an investigation by a Committee under section 9 of that Act, the Commission or the Committee, as the case may be, is of opinion that, having regard to the findings of the Commission or the Committee, as the case may be, and all other relevant matters (including failure to co-operate with or provide assistance to or knowingly giving false or misleading information to the Commission or the Committee), there are sufficient reasons rendering it equitable to do so, the Commission or the Committee, as the case may be, may, either of its own motion or on the application of any person appearing before it, order—

(*a*) that the whole or part of the costs necessarily incurred, by any person appearing before it, as taxed by a Taxing Master of the High Court, shall be paid to the person by any other person named in the order, or

(*b*) that the whole or part of the costs incurred by it, as taxed as aforesaid, shall be paid to the Minister for Finance by any other person named in the order.

(2) Any sum payable pursuant to an order under this section shall be recoverable as a simple contract debt in any court of competent jurisdiction.

(3) Any sum payable by the Minister for Finance pursuant to an order under this section shall be paid out of moneys provided by the Oireachtas.

Codes of conduct.

10.—(1) A Committee shall, after consultation with the Commission, from time to time draw up codes of conduct for the guidance of members (other than office holders) of the House concerned.

(2) The Government shall from time to time draw up codes of conduct for the guidance of office holders, and section 15(4)(*c*) of the Principal Act shall apply to the draft of any such code of conduct as it applies to a draft referred to in the said section 15(4)(*c*) with any necessary modifications.

(3) The Minister shall from time to time draw up codes of conduct for the guidance of persons who hold or occupy directorships or positions of employment in public bodies but before doing so shall consult with the Commission and such persons representative of those persons as he or she considers appropriate.

(4) A code of conduct under *subsection (1), (2)* or *(3)*—

(*a*) may be amended by another code of conduct under that subsection,

(*b*) may be revoked by another code of conduct under that subsection replacing the first-mentioned code or amending another code of conduct under that subsection, or

(*c*) may be revoked by an instrument in writing that neither replaces nor amends another code of conduct under that subsection and is made in the manner in which the code of conduct being revoked was made.

(5) A code of conduct under *subsection (1)* shall, if the House concerned so declares by resolution, apply to its members on and from the date specified in the resolution, and such a code of conduct shall, if the House concerned so declares, cease to apply to its members, on and from the date specified in the resolution.

(6) A code of conduct under *subsection (1), (2)* or *(3)* or a code of conduct replacing such a code shall indicate the standards of conduct and integrity for the persons to whom it relates in the performance of their functions and in relation to any matter connected with or affecting or likely or appearing to affect such performance and in relation to such other matters (if any) as may be specified in the code.

(7) A person to whom a code of conduct under this section relates shall, in so far as it is relevant, have regard to and be guided by the code in the performance of his or her functions and in relation to any other matters to which the code relates.

(8) A document purporting to be a code of conduct under *subsection (1), (2)* or *(3)* or an instrument under *subsection (4)(c)* shall be taken, unless the contrary is shown, to be such code or instrument and shall be admissible in any proceedings before a court or other tribunal or a Committee or the Commission, and any provision of any such code that appears to the tribunal, the Committee or the Commission to be relevant to a question in the proceedings may be taken into account by it in determining the question.

(9) There shall, as respects a person to whom *subsection (3)* applies, be deemed to be included in the terms or conditions upon which the person holds the directorship or special advisership, or occupies the position, concerned a provision requiring the person to have regard to and be guided in so far as it is relevant by the code of conduct under that subsection in the performance of the functions of that directorship, special advisership or position and in relation to any other matters specified in the code.

(10) A code of conduct under *subsection (1), (2)* or *(3)* shall not make provision in relation to any matter in so far as, in the opinion of—

(*a*) in the case of such a code under *subsection (1)*, the Committee concerned formed after consultation with the Commission, and

(*b*) in the case of such a code under *subsection (2)* or *(3)*, the Government or the Minister, as may be appropriate,

adequate provision in relation to that matter is made in an existing code of conduct or in existing guidelines.

(11) A code of conduct under *subsection (1), (2)* or *(3)* or an instrument under *subsection (4)(c)* shall be published by the Commission in such form and manner as it may determine.

(12) The Commission may, at the request of an office holder, give advice to the office holder—

(*a*) in relation to the application or non-application of a code of conduct drawn up under *subsection (2)* or *(3)* or any other code of conduct or any guidelines to any particular case or circumstance specified by the member and affecting or relating to him or her or to any conduct or proposed conduct of the member, and

(*b*) in a case or in circumstances where such a code applies or such guidelines apply, in relation to the effect and consequences of such application.

(13) The appropriate Committee may, at the request of a member (other than an office holder), give advice to the member—

(*a*) in relation to the application or non-application of a code of conduct drawn up, after consultation with it, under *subsection (1)* or any other code of conduct or any guidelines to any particular case or circumstance specified by the member and affecting or relating to him or her or to any conduct or proposed conduct of the member, and

(*b*) in a case or in circumstances where such a code applies or such guidelines apply, in relation to the effect and consequences of such application.

(14) Where a request is made under *subsection (12)* or *(13)*—

(*a*) the office holder or member concerned shall furnish to the Commission or, as the case may be, the Committee concerned such information as it may reasonably require for the purposes of its functions under that subsection, and

(*b*) the Commission or, as the case may be, the Committee shall furnish the advice requested to the office holder or member within 21 days from the receipt

by it of the request or, if it is later, from the receipt by it of the information referred to in *paragraph (a)*.

(15) Advice furnished to an office holder or member under this section shall have effect in relation to the person to whom it is given as if it formed part of the code of conduct or guidelines to which it relates.

(16) The reference in section 28(3) of the Principal Act to guidelines published or advice given in writing under section 12 shall be construed as including a reference to a code of conduct drawn up under *subsection (1)* or *(2)* and any other relevant code of conduct or other guidelines or advice given in writing under *subsection (12)* or *(13)*.

Provisions in relation to statements under sections 17 and 18 of Principal Act.

11.—An individual to whom a statement in writing is furnished pursuant to section 17 or 18 of the Principal Act—

(*a*) may request the person who so furnished it ("the furnisher") to provide him or her with information in relation to the statement or any matter arising in connection with it,

(*b*) if he or she considers that the furnisher may have contravened Part IV, he or she may make a complaint in writing in relation to the matter to the Commission—

(i) in case the furnisher is a civil servant (within the meaning of the Civil Service Regulation Act, 1956), under paragraph (*d*) of section 22(4) of the Principal Act as if the individual was the appropriate authority in relation to the civil servant (within the meaning aforesaid) and the said paragraph (*d*) and any other relevant provision of the Principal Act shall apply accordingly as if the individual was such an authority with any necessary modifications,

(ii) in any other case, under paragraph (*c*) of the said section 22(4) as if the individual was the public body concerned and the said paragraph (*c*) and any other relevant provision of the Principal Act shall apply accordingly as if the individual was such a body with any necessary modifications,

and

(*c*) if the Commission carries out an investigation under section 23 of the Principal Act into the matter, shall furnish to the public body concerned a copy of the report in writing of the Commission of the result of the investigation a copy of which is furnished to the individual.

Registration date.

12.—For the purposes of the Principal Act and notwithstanding anything in that Act—

(*a*) in relation to Dáil Éireann and its members and Clerk, the registration date immediately following 31 January 2001 shall be 31 December 2001, and each subsequent registration date shall be the date of each anniversary of the latter date or, if on any such date ("the specified date") Dáil Éireann stands dissolved, the date that is 30 days after the date of the first meeting of Dáil Éireann after the specified date, and

(*b*) in relation to Seanad Éireann and its members and Clerk, the registration date immediately following 31 January 2001 shall be 31 December 2001, and each subsequent registration date shall be the date of each anniversary of the latter date or, if on any such date Dáil Éireann stands dissolved, the date that is 30 days after the date of the first meeting of Seanad Éireann after the first general election for members of Seanad Éireann after that dissolution.

Consequential and minor amendments of Principal Act.

13.—(1) Subject to *subsection (2)*, each section of the Principal Act mentioned in *column (1)* of *Schedule 1* is amended to the extent specified in *column (2)* of that Schedule opposite such mention.

(2) The amendment of section 22 of the Principal Act specified in *paragraph (1)(b)* in *column (2)* of *Schedule 1* does not have effect in relation to complaints made before the commencement of this section.

Transitional and saver.

14.—(1) Part V of the Principal Act shall, as respects the matters specified in *subsection (2)*, have effect as if this Act had not been enacted.

(2) The matters referred to in *subsection (1)* are—

(*a*) a complaint under section 22 of the Principal Act made to the Clerk, or made or referred to the Public Offices Commission, before the commencement of *section 2*,

(*b*) an investigation under section 23(1) of that Act begun before such commencement,

(*c*) a report under section 24 of that Act in relation to such an investigation,

(*d*) a request under section 25(1)(*b*) of that Act made before such commencement,

(*e*) the report under section 27(1) of that Act for the year F4**[**2001**]** and any reports under F4**[***paragraph (b)***]** of that subsection in course of preparation immediately before such commencement, and

(*f*) any report under section 4 of the Act of 1997 in course of preparation immediately before such commencement.

(3) Guidelines drawn up and published by the Public Offices Commission under section 25 of the Principal Act and in force immediately before the commencement of *section 2* shall continue in force after such commencement as if drawn up and published by the Commission under that section.

Adaptation of references in Principal Act and Act of 1997.

15.—(1) In the Principal Act, the Act of 1997 and every other Act of the Oireachtas and every instrument made under any of the Acts aforesaid—

(*a*) references to the Public Offices Commission shall be construed as references to the Commission, and

(*b*) references to the chairman of the Public Offices Commission shall be construed as references to the chairperson of the Commission.

(2) The Minister may by regulations provide for such (if any) other adaptations and such (if any) modifications of the Principal Act, the Act of 1997 and any other Act of the Oireachtas as appear to him or her to be necessary or expedient for the purpose of the performance by the Commission of its functions under those Acts.

Admissibility of certain evidence.

16.—(1) Notwithstanding subsection (8) of section 32 of the Principal Act—

(*a*) a person who gives evidence before a Committee or the Commission or to a person for the purposes of an examination by him or her pursuant to subsection (4A) of that section shall not be entitled to refuse to answer any question put to him or her, and

(*b*) a person shall not be entitled to refuse to produce or send a document pursuant to a direction,

on the ground that his or her answer or the document might incriminate him or her.

(2) A statement or admission made by a person—

(*a*) before a Committee or the Commission,

(*b*) to a person conducting an examination of him or her pursuant to section 32(4A) of the Principal Act,

(*c*) to an inquiry officer, or

(*d*) in a document prepared for and sent by a person to a person specified in *paragraph (a), (b)* or *(c)*, or to a member of a Committee or the Commission, or a member of the staff of a Committee or the Commission, for the purposes of the functions of the Committee or the Commission, as the case may be,

shall not be admissible as evidence against the person, or any person who may be liable for the acts or omissions of the person, in any criminal proceedings (other than proceedings in relation to an offence under subsection (4) or (5) of section 32 of the Principal Act, or *section 17*), or in any civil proceedings in a court or other tribunal.

Obstruction.

17.—A person who by act or omission obstructs or hinders a Committee, the Commission, an inquiry officer or a person who is a member of the staff of a Committee or the Commission or is carrying out an examination pursuant to section 32(4A) of the Principal Act in the performance of the functions of the Committee, the Commission or the officer or person shall be guilty of an offence and section 37 of the Principal Act applies to such an offence as it applies to an offence under that Act.

Discovery of documents.

18.—(1) The chairman of a Committee may for the purposes of the functions of the Committee and the chairperson of the Commission may for the purposes of the functions of the Commission direct in writing any person to make discovery on oath of any documents that are or have been in the possession or control of the person relating to any matter relevant to the functions of the Committee or, as the case may be, the Commission and to specify in the affidavit of documents concerned any documents mentioned therein which the person objects to produce to the Committee or, as the case may be, the Commission and the grounds for the objection; and the rules of court relating to the discovery of documents in proceedings in the High Court shall apply in relation to the discovery of documents pursuant to this subsection with any necessary modifications.

(2) Where a person, in relation to the discovery of documents pursuant to *subsection (1)*, contravenes a rule of court referred to in that subsection, the High Court may, on application to it in that behalf in a summary manner by the chairman of the Committee concerned or, as the case may be, the chairperson of the Commission, order the person to comply with the rule and make such other (if any) order as it considers necessary and just.

Preservation of documents, etc.

19.—(1) A person who has in his or her possession or control a document or information in any form that he or she knows to be relevant to an investigation, or an intended investigation, of which he or she is aware, of a Committee or the Commission shall preserve the document or information until the investigation and any related proceedings are completed.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence and section 37 of the Principal Act applies to such an offence as it applies to an offence under that Act.

Provisions in relation to forms under section 5 of Principal Act and section 24 of Act of 1997.

20.—(1) The forms in which the statements in writing referred to in subsection (1) of section 5 of the Principal Act and subsection (1)(*a*) of section 24 of the Act of 1997 are to be furnished to the appropriate Clerk and the Commission, respectively, shall be issued by the Commission to members, and the Commission shall ensure that both such forms are issued together to each member and at such times as to ensure to members the maximum convenience in complying with the said section 5 and 24.

(2) The Commission shall furnish to the appropriate Clerk each statement received by it under the said subsection (1) F5**[**...**]**.

Evidence of compliance with Acts by members.

21.—(1) A person who is elected as a member after the commencement of this section in relation to the House concerned shall, not more than 9 months after the date on which he or she was so elected ("the election date") furnish to the Commission—

(*a*) (i) a tax clearance certificate that was issued to the person not more than 9 months before, and not more than 9 months after, the election date, or

(ii) an application statement that was issued to the person and was made not more than 9 months before, and not more than 9 months after, the election date,

and

(*b*) a statutory declaration made by the person not more than one month before, and not more than one month after, the election date to the effect that, at the time of the making of the declaration, the person is, to the best of his or her knowledge and belief, in compliance with the obligations specified in *subsection (1)* of *section 25* and that nothing in *subsection (2)* of that section prevented the issue to him or her of a tax clearance certificate.

(2) For the purposes of this section, a person is elected as a member—

(*a*) when the appropriate returning officer at an election so declares,

(*b*) in case the person is deemed by law without any actual election to be elected as a member of Dáil Éireann for a constituency, when the election writ and return of the general election concerned is received by the Clerk from the returning officer for that constituency, or

(*c*) when he or she is nominated by the Taoiseach as a member of Seanad Éireann.

(3) *Subsection (1)* applies to a person who is appointed to the office of Attorney General after the commencement of this section at a time when he or she is not a member as it applies to a person mentioned in that subsection with the modifications that the references in *paragraphs (a)* and *(b)* of that subsection to the election date shall be construed as references to the date of the appointment.

(4) If a person contravenes *subsection (1)*, the Commission shall investigate the matter and shall draw up a report in writing of the result of the investigation, and—

(*a*) if the person is a person referred to in *subsection (1)*, furnish a copy of it to the Committee who shall cause copies of the report to be laid before the House, and

(*b*) if the person is a person referred to in *subsection (3)*, furnish a copy of it to the Taoiseach who shall cause copies of it to be laid before each House.

Evidence of compliance with Acts before appointment to judicial office.

F6**[22.**—(1) The Judicial Appointments Commission shall not recommend a person under section 47 or 48 of the Judicial Appointments Commission Act 2023 for appointment or for nomination for appointment or election, as the case may be, to judicial office (within the meaning of that Act) unless the person has furnished to it the documents specified in *subsection (2)*.

(2) The documents referred to in *subsection (1)* are—

(*a*) a tax clearance certificate issued to the person not more than 18 months before the date of the recommendation, and

(*b*) a statutory declaration made by the person not more than 3 months before that date to the effect that, at the time of the making of the declaration, the person is, to the best of his or her knowledge and belief, in compliance with the obligations specified in *subsection (1)* of *section 25* and that nothing in *subsection (2)* of that section prevents the issue to him or her of a tax clearance certificate.**]**

Evidence of compliance with Acts by holders of senior office.

23.—(1) A person who is appointed to a senior office after the commencement of this section shall, not more than 9 months after the date on which he or she is so appointed ("the appointment date"), furnish to the Commission—

(*a*) (i) a tax clearance certificate that is in force and was issued to the person not more than 9 months before, and not more than 9 months after, the appointment date, or

(ii) an application statement that was issued to the person and was made not more than 9 months before, and not more than 9 months after, the appointment date,

and

(*b*) a statutory declaration made by the person not more than one month before, and not more than one month after, the appointment date to the effect that, at the time of the making of the declaration, the person is, to the best of his or her knowledge and belief, in compliance with the obligations specified in *subsection (1)* of *section 25* and that nothing in *subsection (2)* of that section prevents the issue to him or her of a tax clearance certificate.

(2) If a person contravenes *subsection (1)*, the Commission shall investigate the matter and shall draw up a report in writing of the results of its investigation and furnish a copy of it to the public body concerned.

(3) The Commission shall cause copies of a report under *subsection (2)* to be laid before each House.

Evidence of subsequent compliance with Acts by persons who contravene *section 21* or *23*.

24.—(1) If a person contravenes *section 21* or *23* ("the relevant section"), he or she shall as soon as may be furnish to the Commission—

(*a*) if the contravention relates to *paragraph (a)* of *subsection (1)* of the relevant section, a tax clearance certificate that was issued to the person not more than one month before being so furnished, and

(*b*) if the contravention relates to *paragraph (b)* of the said *subsection (1)* a statutory declaration made by the person not more than one month before being so furnished to the effect that, at the time of the making of the declaration, the person is, to the best of his or her knowledge and belief, in compliance with the obligations specified in *subsection (1)* of *section 25* and that nothing in *subsection (2)* of that section prevents the issue to him or her of a tax clearance certificate.

(2) (*a*) If a person referred to in *subsection (1)* or *(3)* of *section 21* and to whom *subsection (1)* applies has not complied with that subsection in the year to which the next report of the Commission under section 27(1)(*a*) of the Principal Act following the contravention concerned or any later such report relates, the Commission shall specify the non-compliance in the report and, if the person is a member, notify the Committee in writing of it.

(*b*) When such a person as aforesaid complies with *subsection (1)*, the Commission shall—

(i) if the person is a person referred to in *section 21(1)*, notify the Committee in writing of the compliance and the Committee shall cause copies of the notification to be laid before the House, and

(ii) if the person is a person referred to in *section 21(3)*, notify the Taoiseach in writing of the compliance and the Taoiseach shall cause copies of the notification to be laid before the House.

(3) (*a*) If the holder of a senior office to whom *subsection (1)* applies has not complied with that subsection in the year to which the next report of the Commission under section 27(1)(*a*) of the Principal Act following the non-compliance or any later such report relates, the Commission shall notify the head of the public body concerned in writing of the non-compliance, and

(*b*) when the person complies with *subsection (1)*, notify the head aforesaid in writing of the compliance.

(4) In *subsections (2)* and *(3)*, the references to a report under section 27(1)(*a*) of the Principal Act do not include a report for any year after the year in which the person concerned complies with *subsection (1)*.

Tax clearance certificates for purposes of *section 21, 22, 23* or *24*.

25.—(1) Subject to the provisions of this section, if a person who is in compliance with the obligations imposed on the person by the Acts in relation to—

(*a*) the payment or remittance of any taxes, interest or penalties required to be paid or remitted under the Acts to the Revenue Commissioners, and

(*b*) the delivery of any returns required to be made under the Acts,

applies to the Collector-General in such form as may be determined by the Revenue Commissioners in that behalf for the purposes of *section 21, 22, 23* or *24*, the Collector-General shall issue to the person a certificate (in this Act referred to as "a tax clearance certificate") stating that, at the time of the issue of the certificate, the person is in compliance with those obligations.

(2) A tax clearance certificate shall not be issued to a person unless—

(*a*) the person, and

(*b*) if the person is or was a member of a partnership, in respect of the period of the person's membership, the partnership,

is in compliance with the obligations imposed on the person and the partnership by the Acts in relation to the matters specified in *paragraphs (a)* and *(b)* of *subsection (1)*.

(3) Subsections (6) and (7) of section 1094 of the Taxes Consolidation Act, 1997, shall, with any necessary modifications, apply to an application for a tax clearance certificate under this section as they apply to an application for a tax clearance certificate under that section.

(4) Where a person applies, pursuant to *subsection (1)* (other than a person so applying for the purposes of *section 24*), for the issue of a tax clearance certificate and, either—

(*a*) the Collector-General has not decided whether to issue or to refuse to issue such a certificate, or

(*b*) the Collector-General has refused to issue such a certificate and the refusal is the subject of an appeal or further appeal under section 1094(7) of the Taxes Consolidation Act, 1997 (as applied by *subsection (4)*), that has not been determined,

the Collector-General shall, on application to him or her in that behalf by the person, furnish to the person a statement in writing (in this Act referred to as "an application statement") to the effect that the person has applied to him or her for the issue of a tax clearance certificate and that a decision on the application has not been made.

(5) Where the Collector-General—

(*a*) furnishes an application statement to a person under this section, and

(*b*) having considered the application referred to in that statement, refuses to issue a tax clearance certificate to the person and notifies the person in writing of the refusal, and

(i) the time for bringing an appeal or further appeal against the refusal has expired,

(ii) any such appeal or further appeal has been withdrawn, or

(iii) on any such appeal or further appeal, the refusal has been unheld,

the Collector-General shall notify the Commission in writing of the refusal.

(6) If, immediately before a refusal pursuant to *subsection (5)*, the person concerned was a member, the Commission shall, upon receipt of the notification under that subsection in relation to the refusal, draw up a report in writing in relation to the matter and furnish a copy thereof together with a copy of the notification to the Committee and the Committee shall cause a copy of the report and the notification to be laid before the House.

(7) Where the Collector-General issues an application statement to a person, the person shall be deemed not to contravene *section 21* or *23*, as may be appropriate ("the relevant section"), at any time—

(*a*) after the expiration of the period specified in the relevant section for the furnishing to the Commission by the person of a tax clearance certificate, and

(*b*) before the issue to the person by the Collector-General of a tax clearance certificate for the purposes of the relevant section or the notification of the person by the Collector-General of his or her refusal to do so, but if such a notification is given to the Commission, the person shall thereafter be deemed to contravene the relevant section.

Amendment of Statutory Declarations Act, 1938.

26.—(1) Section 6 (penalty for false declarations) of the Statutory Declarations Act, 1938, is hereby amended by—

(*a*) the substitution of "£2,000" for "fifty pounds", and

(*b*) the substitution of "6 months" for "three months".

(2) The amendment effected by *subsection (1)* applies to statutory declarations made after the commencement of this section.

Removal of difficulties.

27.—If in any respect any difficulty arises during the period of 2 years after the commencement of this section in bringing this Act into operation, the Minister may, by regulations, do anything which appears to be necessary or expedient for bringing this Act into operation.

Repeals and revocations.

28.—(1) Subject to *subsection (2)*, the Principal Act is hereby repealed to the extent specified in *column (2)* of Schedule 2.

(2) The repeal of section 22(2) of the Principal Act specified in *Schedule 2* does not have effect in relation to complaints made before the commencement of this section.

(3) The following regulations are hereby revoked—

(*a*) Regulation 5 of the Ethics in Public Office (Designated Positions in Public Bodies) Regulations, 1996 (S.I. No. 57 of 1996),

(*b*) Regulation 6 of the Ethics in Public Office (Prescribed Public Body, Designated Directorships and Designated Positions in Public Bodies) Regulations, 1997 (S.I. No. 32 of 1997), and

(*c*) The Ethics in Public Office Act, 1995 (Section 3(1)(*b*)) Regulations, 1997 (S.I. No. 320 of 1997).

Short title, commencement, construction and collective citations.

29.—(1) This Act may be cited as the Standards in Public Office Act, 2001.

(2) (*a*) Subject to *paragraph (b)*, this Act shall come into operation on such day as the Government appoint by order.

(*b*) *Paragraph (a)* does not apply to this Act in so far as it relates to either House, or members, or the Clerk, of either House, or committees of either House or joint committees of both Houses, or subcommittees of any of the committees aforesaid, or their members or clerks.

(*c*) If either House by resolution so declares, this Act, in so far as it relates to that House, its members, Clerk and committees, and subcommittees of such committees, and their members and clerks, shall come into operation on such day as may be specified in the resolution.

(*d*) If each House by resolution so declares, this Act shall come into operation, in so far as it relates to joint committees of both Houses, and their members and clerks, and subcommittees of such committees, on such day as may be specified in the resolution.

(*e*) If either House by resolution so declares, this Act, in so far as it relates to that House, its members and Clerk and its committees, and subcommittees of such committees, and their members and clerks, shall cease to be in operation as on and from such day as may be specified in the resolution.

(*f*) If either House by resolution so declares, this Act shall cease to be in operation, in so far as it relates to joint committees of both Houses, and subcommittees of such committees, and their members and clerks, as on and from such day as may be specified in the resolution.

(3) The Principal Act and this Act (except in so far as it relates to functions of the Commission under the Act of 1997) may be cited together as the Ethics in Public Office Acts, 1995 and 2001, and shall be construed together as one.

(4) The Electoral Acts, 1992 to 1999, and this Act in so far as it relates to functions of the Commission under the Act of 1997 may be cited together as the Electoral Acts, 1992 to 2001.

Section 13.

SCHEDULE 1

AMENDMENT OF PRINCIPAL ACT

Section (1)	Extent of Amendment (2)
2	(1) In subsection (1), the following definition shall be substituted for the definition of "gift": "'gift' means a gift of money or other property excluding a donation (within the meaning of the Electoral Act, 1997);". (2) In subsection (2), the following definitions shall be inserted: 'Act of "1997' means the Electoral Act, 1997; *'Act of 2001'* means the *Standards in Public Office Act, 2001*; 'specified act' means an act or omission referred to in *section 4(1)(a)* of the *Act of 2001* and references to the doing of a specified act include references to the making of such an omission and cognate words shall be construed accordingly, but references, in relation to a member, to a specified act shall be construed as if the references in the said section 4(1)(*a*) to the performance by the specified person of the functions of the office or position by reference to which he or she is such a person were references to the performance by the member of the functions of the office of member.". (3) In subsection (3), "or impose on the person a significant loss, liability, penalty, forfeiture, punishment or other disadvantage without also conferring it on, withholding it from or imposing it on" shall be substituted for "without also conferring it on or withholding it from".
5	(1) In subsection (1), "not later than the following 31 January, prepare and furnish to the Commission" shall be substituted for "not later than 30 days after that date, prepare and furnish to the Clerk". (2) In subsection (2), "not later than the following 31 January" shall be substituted for "not later than 30 days after that date". (3) The following subsection shall be inserted after subsection (3): "(3A) (*a*) Where either House is dissolved during the period of 30 days from a registration date, a person who was a member on that date may request the first Committee appointed after the general election for members of that House following that dissolution to give him or her advice under section 12 in relation to this section and, if a member does so— (i) he or she shall furnish to the Clerk, with his or her statement under subsection (1) or (2) in relation to that registration date, a statement in writing to the effect that he or she has made the request aforesaid, (ii) the member may, not later than 21 days after the receipt of the advice from the Committee, prepare and furnish to the Clerk a statement in writing of any alterations to his or her statement under subsection (1) or (2) falling to be made by virtue of the advice, and (iii) section 6(4) shall apply to a statement under this subsection as it applies to a statement furnished to the Clerk under paragraph (*a*), (*b*) or (*c*) of section 29(1).".
6	In subsection (4)—

	(*a*) in paragraph (*a*), "paragraphs (*a*), (*b*) and (*c*) of" shall be inserted before "section 29(1)", and (*b*) in paragraph (*b*)(ii), "in the case of the statement of the correction, if it" shall be substituted for "if either of those statements".
7	(1) The following subsection shall be inserted after subsection (2): "(2A) A member referred to in subsection (2) who requests the Committee to give him or her advice under section 12(1)(*b*) in relation to this section and who does not receive the advice before the speech or vote concerned shall— (*a*) if it is a case to which paragraph (*a*) of subsection (2) applies, make a declaration of the fact of the request in the proceedings concerned before or during that speech and, upon receipt of the advice, as soon as may be, make a declaration in writing of the advice and furnish it to the clerk, or the clerk to the committee, concerned, as may be appropriate, and (*b*) if it is a case to which paragraph (*b*) of subsection (2) applies, make the first-mentioned declaration aforesaid in writing and furnish it before voting to the Clerk, or the clerk to the committee, concerned, as may be appropriate and, upon receipt of the advice, as soon as may be, make a declaration in writing of the advice and furnish it to the Clerk, or the clerk to the committee concerned, as may be appropriate, and subsection (5) shall apply to a declaration under this subsection as it applies to a declaration under subsection (2) with the modification that paragraph (*b*) shall be construed as providing for the laying of a copy of a declaration under this subsection before the House in lieu of publishing it in accordance with that paragraph.". (2) In subsection (3), "or impose on the person a significant loss, liability, penalty, forfeiture, punishment or other disadvantage without also conferring it on, withholding it from or imposing it on" shall be substituted for "without also conferring it or withholding it from".
8	(1) The following subsection shall be inserted after subsection (1): "(1A) Notwithstanding subsection (1), a House may be resol-ution change the name of the committee appointed by it under this section to another name, and whenever the name of such a committee is so changed, references in this Act to the first-mentioned name shall be construed as references to that other name.". (2) In subsection (2), "or done a specified act" shall be inserted after "section 5 or 7". (3) In subsection (3), "or that there is not sufficient evidence to establish a *prima facie* case in relation to the complaint" shall be inserted after "frivolous or vexatious". (4) In subsection (4)— (*a*) "or done a specified act" shall be inserted after "section 5 or 7", and (*b*) "of that House" shall be deleted.
9	(1) In subsection (1), "or done a specified act" shall be inserted after "section 5 or 7" and "or *section 4* of the *Act of 2001*" shall be inserted after "section 8". (2) The following subsection shall be substituted for subsection (2): "(2) Where a Committee, either during or at the conclusion of an investigation under this section in relation to section 5 or 7, becomes of opinion that the member the subject of the investigation has not contravened that section but may have contravened the other section or done a specified act, it may carry out

	an investigation under this section to determine whether the person has contravened that other section or done the specified act.". (3) The following subsections shall be inserted after subsection (2): "(2A) Where a Committee, either during or at the conclusion of an investigation under this section in relation to a specified act, becomes of opinion that the member the subject of the investigation has not done that specified act but may have done another such act or contravened section 5 or 7, it may carry out an investigation under this section to determine whether the person has done that other specified act or contravened section 5 or 7. (2B) If a Committee becomes of opinion that evidence sufficient to sustain a complaint referred or made to it under section 8 is not and will not be available, it may decide not to carry out, or to discontinue an investigation under this section.". (4) In subsection (3)(*a*), "*section 4* of the *Act of 2001* or section 8" shall be substituted for "section 8".
10	(1) In subsection (1)(*b*), "or done a specified act" shall be inserted after "section 5 or 7". (2) The following subsection shall be inserted after subsection (1): "(1A) If, either during or at the conclusion of an investigation under section 9, a Committee is of opinion that the person the subject of the investigation may have committed an offence— (*a*) it shall prepare a report in writing in relation to the matter and furnish it together with any relevant document or other thing in its possession to the Director of Public Prosecutions who shall notify the Committee whether, following the receipt of the report, he or she has initiated, or caused to be initiated, proceedings for an offence in respect of any matter mentioned therein or has decided not to initiate, or cause to be initiated, any such proceedings and of the final outcome of any such proceedings (including any appeal, whether by way of case stated or otherwise, rehearing or retrial), and (*b*) it shall add to its report under subsection (1) a copy of its report under *paragraph (a)* and a statement of the notification or notifications aforesaid.". (3) In subsection (2)— (*a*) in paragraph (*a*), "or, as the case may be, whether a specified act has been done and whether the act is continuing" shall be inserted after "continuing", (*b*) in paragraph (*b*), "and that a specified act has not been done" shall be inserted after "section 5 or 7", and (*c*) the following paragraph shall be substituted for paragraph (*c*): "(*c*) in case the determination is that there has been a contravention of section 5 or 7, or that a specified act has been done, by the member— (i) if the determination is that the contravention or act is continuing, the steps required to be taken by him or her to secure compliance by him or her with section 5 or 7 or the cesser of the act, (ii) whether the contravention or act was committed or done inadvertently, negligently, recklessly or intentionally, (iii) whether the contravention was, in all the circumstances, a serious or minor contravention, and

	(iv) whether the member acted in good faith and in the belief that his or her action was in accordance with guidelines published or advice given in writing by a Committee under section 12, and may refer to such matters, if any, as the Committee considers appropriate.".
11	In subsection (1)(*a*), "and that a specified act was not done" shall be inserted after "section 5 or 7".
12	(1) In subsection (1)— (*a*) in paragraph (*a*), "*section 4(1)(a)* of the *Act of 2001* and with" shall be inserted after "by them with", and (*b*) in paragraph (*b*), "the said *section 4(1)(a)* or" shall be inserted after "any particular case, or". (2) The following subsections shall be inserted after subsection (1): "(1A) Guidelines drawn up and published under subsection (1) by a Committee of either House— (*a*) subject to paragraph (*b*), shall remain in force until revoked, by guidelines drawn up and published under that subsection by that Committee or by a Committee appointed by the members of that House under section 8 after a subsequent general election for members of that House replacing the first-mentioned guidelines or amending other guidelines under that section, and (*b*) may be amended by guidelines under that subsection drawn up and published by a Committee specified in paragraph (*a*). (1B) A document purporting to be guidelines under subsection (1) shall be taken, unless the contrary is shown, to be such guidelines and shall be admissible in any proceedings before a court or other tribunal or a Committee or the Commission, and any provision of any such guidelines that appears to the tribunal, the Committee or the Commission to be relevant to a question in the proceedings may be taken into account by it in determining the question.".
13	(1) In subsection (1)— (*a*) "or ceases to be an office holder before a registration date" shall be inserted after "office holder on a registration date", and (*b*) the following paragraph shall be substituted for paragraph (*b*): "(*b*) if the person is an office holder on a subsequent registration date or ceased to be an office holder before such a date but after the last previous registration date, at any time when he was an office holder during the period between the first-mentioned date and the last previous registration date or, as the case may be, between the first-mentioned date and the date of the cesser.". (2) In subsection (4), "not later than the following 31 January" shall be substituted for "not later than 30 days after that date".
14	In subsection (3)(*b*), "office holder" shall be substituted for "officer".
16	The following paragraph shall be substituted for paragraph (*a*) of subsection (2): "(*a*) Section 20 shall apply to a statement under subsection (1)(*a*) with the modifications that the references in that section to section 19(3)(*a*)(i) shall be construed as references to subsection (1)(*a*), the references to the special adviserships shall be construed as references to the office of Attorney General and with any other necessary adaptations.".
19	The following subsection shall be inserted after subsection (6):

	"(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.".
20	(1) The following subsections shall be substituted for subsection (1): "(1) A statement furnished by a person under section 17(1)(*a*) or 18(2)(*a*) shall— (*a*) in case, as may be appropriate, the person was appointed to the directorship or position concerned before the date of the commencement of this Part and the statement is the first such statement so furnished by the person since that date, be in respect of the period from that date or, if it is later, the date on which, as may be appropriate, the directorship or position became a designated directorship or a designated position to the date of the statement. (*b*) in case the person was so appointed on or after the date of such commencement and the statement is the first such statement so furnished by the person since such appointment, be in respect of the period from the date of such appointment or, if it is later, the date on which, as may be appropriate, the directorship or position became a designated directorship or a designated position to the following 31 December, (*c*) in any other case, be in respect of the period beginning on the day immediately following the date of the expiration of the period to which the last previous such statement so furnished by the person related to the following 31 December or, if it is earlier, the date on which the appointment concerned ended. (1A) A statement furnished by a person under section 19(3)(*a*)(i) shall— (*a*) in case the person was appointed to the special advisership concerned before the date of the commencement of this Part and the statement is the first such statement so furnished by the person since that date, be in respect of the period from that date to the date of the statement, (*b*) in case the person was so appointed on or after the date of such commencement and the statement is the first such statement so furnished by the person since such appointment, be in respect of the period from the date of such appointment to the following 31 December, and (*c*) in any other case, be in respect of the period beginning on the day immediately following the date of the expiration of the period to which the last previous such statement so furnished by the person related to the following 31 December or, if it is earlier, the date on which, in relation to the person, the period referred to in section 19(2) ends.". (2) The following subsections shall be substituted for subsection (3): "(3) A statement by a person under section 17(1)(*a*), 18(2)(*a*) or 19(3)(*a*)(i) in respect of a period specified in paragraph (*a*) of subsection (1) or paragraph (*a*) of subsection (1A) shall be furnished by the person to the person or persons concerned not later than such time in the year concerned as the Minister may determine. (3A) A statement by a person under section 17(1)(*a*), 18(2)(*a*) or 19(3)(*a*)(i) in respect of a period specified in paragraph (*b*) or (*c*) of subsection (1) or paragraph

	(*b*) or (*c*) of subsection (1A) shall be furnished by the person to the person or persons concerned not later than 31 January in the year following the year in which the period fell. (3B) Notwithstanding subsection (3A), where, in relation to a person who is a special adviser, within the meaning of section 19, the period referred to in subsection (2) of that section ends, a statement under subsection (3)(*a*)(i) of that section in relation to that period shall be furnished by the person to the persons concerned not later than 28 days from such ending.".
21	In subsections (3) and (4), "an ordinary member of the Commission" shall be substituted for "a member of the Commission" in each place where it occurs.
22	(1) In subsection (1)— (*a*) in paragraph (*b*), "that" shall be deleted, and (*b*) "to the Commission" shall be substituted for "to the Clerk and, subject to subsection (2), the Clerk shall refer the matter to the Commission and shall furnish a copy of the complaint to the Commission". (2) The following subsection shall be inserted after subsection (4): "(5) If a Committee by resolution determines— (*a*) that a complaint under section 8(2) made or referred to it should be investigated by the Commission, or (*b*) in the case of a member (other than a member who is or, at the relevant time, was an office holder), that an investigation should be carried out by the Commission to determine whether the member has contravened section 5, 7 or 12 or has done a specified act, the chairman of the Committee shall— (i) in a case to which *paragraph (a)* relates, refer the matter to the Commission and furnish a copy of the complaint concerned to the Commission, and (ii) in a case to which *paragraph (b)* relates, make a complaint in writing in relation to the matter to the Commission.".
23	In subsection (3), "the provision of this Act or the Act of 1997 to which the investigation relates or has not done a specified act, but, as may be appropriate, may have contravened another provision of Part II, III or IV or the Act of 1997 or may have done a specified act, it may carry out an investigation under this section to determine, as appropriate, whether the person has contravened that other provision or that Act or has done a specified act" shall be substituted for the words from and including "the provision of this Act" to the end of the subsection.
24	(1) In subsection (1)— (*a*) the following paragraph shall be substituted for paragraph (*b*): "(*b*) if the investigation followed a complaint under section 22 or *section 4* of the *Act of 2001*, the person who made the complaint and, if the complaint was referred or made to the Commission under section 22 (5), the Committee concerned, and" (*b*) in paragraph (*c*)(i), "or the Act of 1997 or has done a specified act" shall be inserted after "Part II, III or IV". (2) In subsection (2)— (*a*) "or member" shall be inserted after "as an office holder", (*b*) "or that the person may have contravened Part II before becoming an office holder" shall be deleted, and

	(*c*) in paragraph (*a*), "whether following the receipt of the report," shall be substituted for "as to whether". (3) In subsection (3)— (*a*) the following paragraph shall be substituted for paragraph (*a*): "(*a*) whether there has been a contravention of Part II, III or IV or the Act of 1997 by the person concerned or that person has done a specified act and whether the contravention or act is continuing,", (*b*) in paragraph (*b*), "or the Act of 1997, by the person and the person has not done a specified act," shall be substituted for ", by the person,", and (*c*) in paragraph (*c*)— (i) "Part II, III or IV or the Act of 1997 by the person or that the person has done a specified act" shall be substituted for "Part II, III or IV by the person", and (ii) the following subparagraphs shall be substituted for subparagraphs (i), (ii) and (iii): "(i) if the determination is that the contravention is continuing or, as the case may be, that the specified act is continuing, the steps required to be taken by him or her to secure compliance by him or her with Part II, III or IV or the Act of 1997 or to secure the discontinuance of the specified act, as the case may be, and the period of time within which such steps should be taken, (ii) whether the contravention or act was committed or done inadvertently, negligently, recklessly or intentionally, (iii) whether the contravention or act was, in all the circumstances, a serious or a minor matter, and". (4) The following subsection shall be inserted after subsection (5): "(5A) A public body to which a report under *subsection (1)* or *subsection (2)* of *section 23* of the *Act of 2001* is furnished may, having considered the report and invited submissions from the person concerned in relation to the matter and considered any such submissions, take such action in relation to the person to whom the report relates as it considers appropriate including suspension without payment of remuneration from the office or position held or occupied by the person for such person for such period as it may determine, being, in the case of a person to whom a report under the said *subsection (2)* relates, a period ending not later than the date on which the documents concerned specified in *subsection (1)(a)* of the said *section 23* are furnished to the Commission.".
25	(1) In subsection (1)— (*a*) in paragraph (*a*), "(other than members who are not office holders)" shall be inserted after "publish to persons", "*section 4(1)(a)* of the *Act of 2001* or" shall be inserted after "to whom" and "that section and" shall be inserted after "by them with", and (*b*) in paragraph (*b*), "and may, at the request of a person give advice to the person, if *section 4(1)(a)* applies to the person, in relation to that section or as to the application in any particular case, of that section" shall be inserted after "any such provision". (2) The following subsections shall be inserted after subsection (1): "(1A) Guidelines drawn up and published under subsection (1)—

	(*a*) subject to paragraph (b), shall remain in force until revoked by guidelines drawn up and published under that subsection, and (*b*) may be amended by guidelines drawn up and published under that subsection. (1B) A document purporting to be guidelines under subsection (1) shall be taken, unless the contrary is shown, to be such guidelines and shall be admissible in any proceedings before a court or other tribunal or a Committee or the Commission, and any provision of any such guidelines that appears to the tribunal, the Committee or the Commission to be relevant to a question in the proceedings may be taken into account by it in determining the question.". (3) In subsection (2), "the provision concerned of Part II, III or IV or of the Act of 1997" shall be substituted for "the provision concerned of Part II, III or IV".
26	In subsection (1)(*a*)— (*a*) "or *section 4* of the *Act of 2001*" shall be inserted after "(other than subsection (4))", and (*b*) "or the Act of 1997 or that a specified act was not done" shall be inserted after "Part II, III or IV".
28	(1) In subsection (1), "and shall, if the copy is furnished to it pursuant to *section 21(4)* or *23(2)* of the *Act of 2001*," shall be inserted after "to do so". (2) In subsection (2)(*c*), the following subparagraph shall be substituted for subparagraph (ii): "(ii) in addition— (I) if the report aforesaid includes a determination that the office holder or other member is continuing to contravene this Act or that the specified act concerned is continuing and the Committee is satisfied that the contravention or act has continued up to the date of the motion for the resolution concerned under subsection (1), or (II) if the Committee is satisfied, in a case to which *section 25* of the *Act of 2001* applies, that the office holder or other member concerned has not, up to the date aforesaid, complied with *section 21* or *23*, as may be appropriate, until such time (if any) after the expiration of the period specified pursuant to subparagraph (i) in the resolution as he or she takes the steps specified in the resolution (being the steps specified in the report) to secure compliance by him or her with this Act or the cesser of the act or, as the case may be, the office holder or other member furnishes to the Commission the document specified in *section 21* or *23*, as may be appropriate.". (3) The following subsection shall be inserted after subsection (2): "(2A) (*a*) Notwithstanding subsection (4), where the action specified in a motion for a resolution under subsection (1) is or includes that specified in subsection (2)(*c*), it may also, subject to compliance with the conditions specified in paragraph (*b*), include the withholding from the office holder or other member concerned of so much of the annual sum by way of salary payable to him or her under the Oireachtas (Allowances to Members) Act, 1938, as may be specified in the resolution. (*b*) The conditions referred to in paragraph (*a*) are: (i) that the Committee concerned is of opinion that the act or contravention to which the motion relates was done or made intentionally and was of a grave nature,

	(ii) that the withholding is reasonable in all the circumstances, (iii) that the amount of the annual sum specified in the resolution does not exceed the amount thereof payable in respect of the period of suspension from the service of the House concerned specified in the resolution.".
29	In subsection (1), the following paragraph shall be substituted for paragraph (*e*): "(*e*) When the Clerk receives a statement under paragraph (*a*), (*b*), (*c*) or (*d*) or section 30 or corrects an error in or amends a register established by him or her under section 6, he or she shall— (i) in the case of a statement under paragraph (*a*), (*b*), (*c*) or (*d*) relating to an additional interest, furnish a copy of it to the Commission and (if it is a statement of a Minister of the Government or a Minister of State) the Taoiseach, (ii) in the case of a statement under section 30, furnish a copy of it to the Commission, (iii) in the case of a correction or amendment, notify the Commission of it.".
31	In subsection (2), "or made to it under *section 4* of the *Act of 2001*" shall be inserted after "(other than *subsection (4)* thereof)".
32	(1) The following subsections shall be inserted after subsection (4): "(4A) A Committee or the Commission may, for sufficient reason if it considers it appropriate to do so, arrange for the examination of a person at any place in or outside the State by, in the case of a Committee, a member of the Committee, a member of the staff of the Committee or any other person and, in the case of the Commission, by a member of the Commission, a member of the staff of the Commission or any other person and may receive, in such form as it may determine, the evidence of the person taken at the examination, and the relevant rules of court relating to evidence in proceedings in the High Court shall apply in relation to the matters aforesaid with any necessary modifications. (4B) In relation to the matters specified in subsection (1) and (2) and, in so far as they relate to a Committee or the Commission, subsection (4A), a Committee or the Commission shall have all such powers, rights and privileges as are vested in the High Court on the occasion of an action and, in relation to the matters specified in subsection (4A), in so far as they relate to a person conducting an examination pursuant to that subsection, that person shall have all the powers, rights and privileges aforesaid.". (2) In subsection (6)(*b*), "or the Act of 1997 or the specified act" shall be inserted after "this Act". (3) The following subsection shall be substituted for subsection (8): "(8) A person whose evidence has been, is being or is to be given before— (*a*) a Committee or the Commission, (*b*) an inquiry officer, or (*c*) a person for the purposes of an examination by him or her pursuant to subsection (4A), or who produces or sends a document to a person referred to in paragraph (*a*), (*b*) or (*c*) or who is directed by the chairman of a Committee or the chairperson of the Commission or requested by a person referred to in paragraph (*b*) or (*c*), for the purposes referred to in that paragraph, to give evidence or produce a document to the Committee or the Commission or to the person referred to in paragraph (*b*) or (*c*) or to attend before the Committee or the Commission or the

	person and there to give evidence or produce a document shall be entitled to the same privileges and immunities in respect of those matters as a witness before the High Court in respect of evidence.". (4) In subsection (11)(*c*), ",advisers, agents" shall be inserted after "members". (5) The following subsections shall be inserted after subsection (11): "(11A) Utterances made by a person conducting an examination pursuant to subsection (4A), or an inquiry officer, for the purpose of the performance of his or her functions under this Act, shall be absolutely privileged and such utterances and documents prepared by those persons for the purposes of such performance shall be absolutely privileged wherever published subsequently. (11B) Utterances made otherwise than at meetings of a Committee or the Commission of members, advisers, officials or agents of the Committee or the Commission for the purposes of the performance of their functions under this Act or the *Act of 2001* shall be absolutely privileged and those utterances and documents of such advisers, officials and agents connected with a Committee or the Commission or its functions shall be absolutely privileged wherever published subsequently.".
35	In subsection (2)(*b*)(i), "section 29(1)" shall be substituted for "section 29(2)".
36	"or to secure the cesser of a specified act" shall be inserted after "this Act".

Section 28.

SCHEDULE 2

REPEALS

Short Title (1)	Extent of Repeal (2)
Ethics in Public Office Act, 1995	In section 21— in subsection (3)(*a*), subparagraph (iii), in subsection (4)(*c*), the words "The Chairman of Dáil Éireann, the Deputy Chairman of Dáil Éireann,", subsection (6). In section 22, subsection (2).

Number 31 *of* 2001

STANDARDS IN PUBLIC OFFICE ACT 2001

REVISED

Updated to 1 January 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Electoral Acts 1992 to 2023: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Electoral (Amendment) Act 2023* (40/2023), s. 7(2)). The Acts in the group are:

- *Electoral Act 1992* (23/1992)
- *Electoral (Amendment) Act 1996* (43/1996)
- *Electoral Act 1997* (25/1997)
- *Electoral (Amendment) Act 1998* (4/1998)
- *Local Elections (Disclosure of Donations and Expenditure) Act 1999* (7/1999)
- *Standards in Public Office Act 2001* (38/2001), insofar as it relates to functions of the Standards in Public Office Commission under the *Electoral Act 1997* (25/1997)
- *Electoral (Amendment) Act, 2002* (4/2002)
- *Electoral (Amendment) (No. 2) Act 2002* (23/2002)
- *Electoral (Amendment) Act 2004* (15/2004)
- *Electoral (Amendment) Act 2005* (16/2005)
- *Electoral (Amendment) Act 2006* (33/2006)
- *Electoral (Amendment) Act 2007* (14/2007)
- *Electoral (Amendment) Act 2009* (4/2009)
- *Electoral (Amendment) (No. 2) Act 2009* (9/2009)
- *Electoral (Amendment) Act 2011* (14/2011)
- *Electoral (Amendment) Act 2012* (27/2012)
- *Electoral (Amendment) (Political Funding) Act 2012* (36/2012)
- *Electoral (Amendment) (Dáil Constituencies) Act 2013* (7/2013)
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), except Parts 8 and 9
- *Local Government Reform Act 2014* (1/2014), ss. 1(6), section 5(4), Part 2 of Schedule 2 and paragraphs 17 and 18 of Schedule 4, in so far as it relates to the *Electoral Act 1992* (23/1992)
- *Electoral (Amendment) Act 2014* (8/2014)
- *Electoral (Amendment) (No. 2) Act 2014* (24/2014)
- *Electoral (Amendment) Act 2015* (62/2015), ss. 3, 4
- *Electoral (Amendment) Act 2016* (5/2016)
- *Electoral (Amendment) (Dáil Constituencies) Act 2017* (39/2017)
- *Companies (Statutory Audits) Act 2018* (22/2018), ss. 71, 73
- *European Parliament Elections (Amendment) Act 2019* (7/2019), s. 8

• *Electoral Reform Act 2022* (30/2022), ss. 6-30, 41-59, 61-69, 72, 77-114, 173
• *Electoral (Amendment) Act 2023* (40/2023), other than s. 5

Acts previously included in the group but now repealed are:

• *Electoral (Amendment) Act 1995* (21/1995)
• *Electoral (Amendment) (No. 2) Act 1998* (19/1998)

Ethics in Public Office Acts 1995 and 2001: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Standards in Public Office Act 2001* (31/2001), s. 29(3)). The Acts in the group are:

• *Ethics in Public Office Act 1995* (22/1995)
• *Standards in Public Office Act 2001* (31/2001), except in so far as it relates to functions of the Commission under *Electoral Act 1997*

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.