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An Clár Brústocaireachta  
Register of Lobbying

# 2023

Regulation of Lobbying  
Annual Report



Coimisiún um Chaighdeán in Oifigí Poiblí  
Standards in Public Office Commission

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## Annual Report 2023

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## Introduction

In accordance with the provisions of section 25(1) of the Regulation of Lobbying Act 2015, I am pleased to present the Standards in Public Office Commission's annual report for 2023 on the regulation of lobbying to be laid before each House of the Oireachtas.

Throughout 2023 the Commission continued to oversee lobbying registrations and returns, issued a number of statutory decisions under the Act's provisions and conducted investigation and enforcement activities. The Commission also reached out to various stakeholders, domestic and international, in order to share information and exchange best practices. On behalf of the Commission, I would like to thank the staff of the Lobbying Regulation Unit for their work in support of the Commission throughout the past year.

A handwritten signature in black ink that reads "Garrett Sheehan". The signature is written in a cursive style and is positioned above a horizontal line.

**Garrett Sheehan**  
Chairperson  
Standards in Public Office Commission  
June 2024

# Chapter One:

## Registrations and Returns



# Chapter One

## Lobbying Registrations and Returns

Under the Regulation of Lobbying Act 2015, a person carries on Regulated Lobbying activities if, in summary, the person communicates directly or indirectly with a designated public official about a 'relevant matter', including the development or zoning of land, and the communication is not specifically excepted, and the person:

- > is an employer with more than 10 full-time employees, is a representative or issue-based body with one or more full-time employees, or
- > is paid to communicate on behalf of one of the persons described in above.

Those who carry out regulated lobbying activities, or who intend to do so, are required to register with the Commission. Once registered, registrants are required to submit returns of lobbying activity in respect of three reporting periods each year, namely: 1 January - 30 April, 1 May - 31 August and 1 September - 31 December. Returns must be submitted within 21 days after the end of the reporting period.

### 1.1 New registrants

The **Three Step Test** allows potential registrants to determine whether they are or will be carrying out lobbying activities, meaning that they are required to register. The test, as well as other guidance on the legislation, is provided on the lobbying.ie website. Once they decide to register, all new registrations are reviewed by Commission staff to check that the person is indeed required to register and that they have done so correctly. Where a person has registered in error, the Commission will remove the registration and any associated returns.

Each new registrant is sent a letter which highlights the reporting period deadlines, suggested best practices for account administration and details of enforcement provisions in the event of non-compliance.

The total number of registered lobbyists at the end of 2023 was 2538. This represented a net increase of 108 on the 2,430 registrants at the end of 2022. Further information on end of year totals can be viewed in **Appendix Two**.



## 1.2 Returns of lobbying activities

At the time of completing this report, more than 12,000 returns of lobbying activities have been submitted in respect of the three reporting periods in 2023. This number may change over time, as late returns for 2023 are made to the system. The graphs (in **Appendix Two**) illustrate the number of returns received in respect of each relevant period and the most popular 'relevant matters' and policy areas addressed in the returns.

All returns of lobbying submitted in 2023 were reviewed to verify that they complied with the Act<sup>1</sup>, that the information provided was clear and meaningful, and that it was provided in the appropriate manner and form. Where errors or non-compliance with the Act's requirements are identified, the Commission follows up with the registrant to address the matter.

If the Commission finds that information contained in a return of lobbying activities is incorrect, misleading or is not sufficiently detailed, the Commission may use its powers to remove the return or request its correction, as appropriate. Generally, registrants cooperate promptly when requested to amend their returns or provide further information. Where an incorrect return is removed by the Commission using its powers, the registrant will be considered not to have made the return in the first instance and may be deemed non-compliant with their obligations under the Act.

The Commission made 1,026 requests for further information during 2023. In all cases, the required information was supplied and any issue resolved. Accordingly, there were no instances where the Commission proceeded to remove a return in 2023 on foot of a failure to provide information requested.

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<sup>1</sup> <https://www.irishstatutebook.ie/eli/2015/act/5/section/12/enacted/en/html#sec12>

# **Chapter Two:**

## Regulatory Operations



# Chapter Two

## Regulatory Operations

### 2.1 Delayed publication requests

In general, details of registered lobbyists and their lobbying activity are available for public consultation on the Register of Lobbying.

Under section 14 of the Act, a person may apply to delay publication of the information contained in the person's registration or in their return of lobbying activities, for stated reasons. The Commission's role in determining applications to delay publication is set out in **Appendix One** of this report.

One application was made in 2023 to delay publication of a return to the register under section 14 of the Act, and that application was granted. The delay period has now expired and the return has been published.

### 2.2 Investigations under the Act

Section 19 provides the Commission with the authority to conduct investigations into possible contraventions of the Act.

Unregistered or unreported lobbying activity is monitored by the Commission's secretariat via open source intelligence, such as media articles and social media notifications, from information received by the Commission, or from information contained on the register itself.

Two investigations into possible unreported lobbying were carried over from 2022 into 2023, and two further investigations were launched during the year. The Complaints and Investigations Unit completed one investigation report in 2023, and the matter was closed by the Commission. Three investigations were ongoing at the end of 2023

Separately, a prosecution carried over from 2022, was due to come before the courts. This prosecution was for failure to submit lobbying returns, prosecuted under section 20(2) of the Act. Compliance was subsequently achieved by the Lobbyist in 2023, and the Commission withdrew the prosecution.

## 2.3 Applications for consent to waive post-employment restrictions

Section 22 of the Act provides that former Ministers, Ministers of State, special advisers and senior public officials who have been prescribed under section 6(1) of the Act are subject to a 'cooling-off' period of one year after they leave office, during which time they cannot engage in lobbying activities in specific circumstances, or be employed by, or provide services to, a person carrying on lobbying activities in specific circumstances, except with the consent of the Commission.

A person subject to the cooling-off period may apply to the Commission for a waiver. Further information regarding the provisions of section 22 and the Commission's role in relation to it is set out in **Appendix One** of this report.

The Commission's consent to engage in lobbying or to take up employment with a lobbying employer may be sought at any time in advance of, or during, the statutory cooling-off period. If an application is refused for a particular position, nothing precludes the individual from applying for consent again in respect of a different role.

There were three applications, all from special advisers, in 2023. The following case study illustrates the kinds of circumstances that arise and the factors taken into account by the Commission in determining such cases

### Case Study

The applicant, a former special advisor with a government department, contacted the Commission seeking consent to take up a position with an organisation on the Register of Lobbying. The applicant was asking the Commission to waive eleven months of the cooling-off period. The Commission was informed that the applicant had been offered the role following a competitive process. The applicant and the registrant each confirmed that the applicant would not be expected to participate in or advise on any prohibited lobbying activities concerning the applicant's former employer or any connected designated public officials during the relevant period. The registrant confirmed they did not intend to lobby the applicant's former employer during the remainder of the statutory cooling-off period. They also confirmed that the applicant would not be involved in any lobbying activities directed at the person's former public body or colleagues. The Commission agreed to grant a waiver for the final eleven months of the cooling-off period, subject to a number of conditions which were designed to ensure that the person did not carry on lobbying activities in circumstances set out in section 22.

## 2.4 Criminal offences under the Act

The Act provides for a number of criminal offences for contraventions of the requirements of the Act. Summary proceedings for an offence may be brought and prosecuted by the Commission, while proceedings on indictment may be brought by the Director of Public Prosecutions.

Section 21 provides that the Commission may serve a fixed payment notice of €200 on a person who has committed an offence, including submitting a late return of lobbying activities. If a person fails to pay the penalty within 21 days, the Commission may proceed to prosecute the offence.

### Late returns of lobbying activity

A registrant is required to make a return of lobbying activities, including a nil return, by the statutory deadline. It is an offence to fail to make a return, or to make a return after the relevant deadline. A person is liable on summary conviction for submission of a late return to a fine of €2,500.

A total of 455 fixed payment notices for late returns were issued in 2023. 145 of these were for late returns in periods prior to 2023.

The Commission cancelled 44 fixed payment notices in 2023, where:

- > a technical problem on lobbying.ie prevented the person from submitting a return on time;
- > an administrative error occurred in which the person erroneously submitted a duplicate return for the wrong period; and/or
- > the person was not required to register and had registered in error.

399 fixed payment notices for late returns were paid over the year. 285 of these were for late returns in the first two periods of 2023.

36 notices of potential prosecution were issued in 2023 for non-payment of fixed payment notices.

## Other offences

Other relevant contraventions of the Act include failure to register, failure to make a return, failure to cooperate with an investigation of the Commission or an order of an authorised officer, and intentionally providing inaccurate, false or misleading information to the Commission. In respect of these the person is liable, on summary conviction, to a maximum fine of €2,500, or if convicted on indictment, to an unlimited fine and/or a maximum of two years' imprisonment.

In practice, the Commission most often has to prosecute where a registered lobbyist has failed to make a return for a relevant period. The Commission issues a notification of offence to any registrant who has failed to make a return by the deadline, and the person is afforded an additional two weeks to submit a return of lobbying activities. If the person fails to submit the return by that date, the Commission may proceed to prosecute the offence.

In 2023, the Commission issued a total of 126 notices informing registrants of the intent to prosecute if a return of lobbying activities was not submitted (non-returns). In cases where the registrant was not required to be on the register, as they, and/or the communication, were outside the scope of the Act, the register was corrected and the person's return or registration deleted, as relevant. In all other cases, the registrant complied (and incurred a late payment fixed payment notice) and prosecution was not pursued.

## Prosecution of offences

In 2023, the Commission issued a total of 162 notices of potential prosecution for offences relating to both non-returns (126 cases) and late returns (36 cases). While the majority of these notices resulted in compliance by the registrants, two prosecutions were initiated for offences of failing to submit a return for the relevant period. A further prosecution for failing to make a return was carried over from 2021. In two cases, compliance was subsequently achieved and the Commission withdrew the prosecutions. One prosecution, initiated in 2022, remained before the courts at the end of 2023.

The Commission continued to encourage compliance in the first instance. Effective outreach and communication with registered lobbyists at an early stage has effectively reduced the number of files that might otherwise have been referred for prosecution each year. Most people comply with their obligations once contacted by the Commission's Complaints and Investigations Unit.

The Commission takes a less lenient approach with lobbyists who lobby without registering, repeatedly miss return periods and/or fail to comply or engage with the Commission. In such cases, the Commission will proceed to prosecution.

## 2.5 Information about Designated Public Officials on public body websites

The Act requires that each body which has designated public officials — public servants or other office holders or persons — who are prescribed in Ministerial regulations — must publish an up-to-date list of those designated public officials. Our website [lobbying.ie](http://lobbying.ie) provides relevant links to these pages.

Prior to the end of each return period, public bodies are asked to check, and update as required, a list showing the name, grade and brief details of the role and responsibilities of each designated public official prescribed for the body. They are also asked to confirm and update information relating to working groups or task forces operating under their aegis.

In January and September 2023, the Commission contacted all public bodies with designated public officials to verify that information was up-to-date, including the following:

- > that each relevant body had a Regulation of Lobbying page
- > whether the name(s) and position(s) held were published on the page; and
- > that each body had relevant information on their website in relation to the Transparency Code<sup>2</sup> for any working group under their aegis.

The Commission also ensured that links from its own website were accurate and operational.

The results of this survey were encouraging. The Commission found that all relevant public bodies had a dedicated website page listing designated public officials as well as the relevant information relating to their position. Each body that has a group operating under the Transparency Code also had the relevant information published on their Regulation of Lobbying page.

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<sup>2</sup> Under Section 5(7) of the Act the “Transparency Code” sets out how certain relevant public bodies, such as ministerial advisory groups, may conduct their activities in a transparent way. By adhering to the Transparency Code, communications within these bodies would meet the exemption from the requirement to register and report on lobbying activities.

# Chapter Three:

## Communications and Outreach





# Chapter Three

## Communications and Outreach

### 3.1 Outreach activities

The Commission continues to take opportunities to promote understanding of the Act and its obligations, with a view to supporting effective compliance and sharing best practices. Outreach activities continued on online platforms throughout 2023. Virtual sessions allow for participation from any location and do not impose any restrictions on participants who may be subject to limitations of travel due to time or financial constraints. Outreach using social media continues to be an effective means of engaging with the general public and with those individuals and organisations that (may) have obligations to register and make returns under the Act.

Outreach in 2023 included;

- > Online Open House presentations on the regulation of lobbying for new and prospective registrants
- > Participation in the European Lobbying Regulators Network Annual Meeting
- > Regular support of government departments, public bodies and county councils with queries on the provisions and obligations under the Regulation of Lobbying Act 2015

# Chapter Four:

Legislative Change: The  
Regulation of Lobbying and  
Oireachtas (Allowances to  
Members) (Amendment)  
Act 2023

## Chapter Four

# Legislative Change: The Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023

### 4.1 The Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023 was enacted on 22 June 2023.

The Act made significant amendments to the Regulation of Lobbying Act 2015.

The amendments aim to strengthen compliance and enforcement, most notably of the 'cooling-off' provision, and also through the insertion of an 'anti-avoidance' clause. With a view to bringing more transparency to lobbying activity and closing off unintended loopholes, it extends the Act's provisions to lobbying activity by certain representative and issue-based bodies. The 2023 Act creates a system of administrative financial sanctions which can be imposed for some relevant contraventions, including for a breach of the 'cooling-off' provision. It also increases the length of time that will elapse between statutory reviews of the lobbying legislation to five years.

### 4.2 Principal changes to the Act


- > Under Section 5 (1) (c), the scope of the Act is expanded to include any person who *'makes, or manages or directs the making of any relevant communications about the development or zoning of land'*.
- > A representative or issue-based organisation must have at least one employee in order to be in scope of the Act. The Amendment Act extends this scope to include any representative or issue based organisation, with no full time employees, where at least one of the body's members would fall within scope of the Act if such member or members were to carry on lobbying activities outside of the body. (Amending Sections 5(2) and 5(3) of the Act).
- > A new exemption has been added under Section 5(5)(p) to include communications by a political party to its members who are designated public officials and which are made exclusively as members of the political party concerned.
- > Under Section 8 of the Act any registered person whose entry on the register has been marked under Section 11(4) as ceased is prohibited from carrying on lobbying activities.
- > Under Section 11 the address at which a person carries on business or carries on the person's main activities, or the address at which the person normally resides, must be included in the details provided by the registrant.
- > Under Section 22 (6) provision is made that every public service body must inform relevant

designated public officials of their obligations under Section 22. Furthermore, under 22 (7) the public service body must inform the Standards in Public Office Commission when a relevant designated public official is leaving his or her employment.

- > Under Section 18 a new contravention has been added. Under 18(f) it is a contravention if a person takes any action that has its intended purpose the avoidance or circumvention of the person's obligations under the Act.
- > For a relevant contravention under Section 18 (f) (avoidance or circumvention of the person's obligations under the Act) or under Section 22(1) (Not seeking a waiver of the cooling off period) a minor or a major sanction may be imposed. A minor sanction will be advice, reprimand or caution. A major sanction will be a financial sanction not exceeding €25,000, a prohibition on the person from registering on the Register for no more than two years, and a prohibition on the person from making or having a return made for no more than two years.

# **Appendix One:**

*Commission's Supervisory Role  
under the Regulation of Lobbying  
Act 2015 and the Regulation  
of Lobbying and Oireachtas  
(Allowances to Members)  
(Amendment) Act 2023*

The background of the page features several thick, teal-colored curved lines that sweep across the bottom right corner, creating a modern, abstract design.

## Appendix One:

# Commission's Supervisory Role under the Regulation of Lobbying Act 2015 and the Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023

### General overview

The Act provides that a person who falls within the scope of the Act makes a relevant communication (is lobbying) if the person communicates with a designated public official about a relevant matter. Anyone lobbying must register and submit regular online returns of their lobbying activity.

Sections 5(1) and (2) of the Act set out the categories of person who are within scope of the Act, namely:

- > a person with more than 10 full-time employees;
- > a person which has one or more full-time employees and is a body which exists primarily to represent the interests of its members (referred to as a "representative body") and the relevant communications are made on behalf of any of the members;
- > a person which has one or more full-time employees and is a body which exists primarily to take up particular issues (referred to as an "issue-based body") and the relevant communications are made in the furtherance of any of those issues;
- > Any representative or issue-based organisation, with no full time employees, where at least one of the body's members would fall within scope of the Act if such member or members were to carry on lobbying activities outside of the body.
- > any person (individual or organisation) making a "relevant communication" concerning the development or zoning of land which is not their principal private residence; and
- > a "professional lobbyist" or third party who is paid to carry on lobbying activities on behalf of a person who fits within one of the categories of persons above.

Designated public officials, (DPOs) for the purposes of the Act, include Ministers and Ministers of State, Members of Dáil Éireann and Seanad Éireann, Members of the European Parliament for Irish constituencies, and Members of local authorities. DPOs also include special advisers and the senior-most civil and public servants who have been prescribed by Ministerial order.

A relevant matter is one to do with the initiation, development or modification of any public policy or of any public programme; the preparation of an enactment; or the award of any grant, loan or other financial support, contract or other agreement, or of any licence or other authorisation involving public funds. Matters relating to the zoning and development of land are also relevant communications.

Section 5(5) of the Act provides for a number of exemptions to what is considered a relevant communication.

A new exemption has been added under Section 5(5)(p) to include communications by a political party to its members who are designated public officials and which are made exclusively as members of the political party concerned.

## The Register of Lobbying

The register itself is a web-based system. In addition to housing the online register, the website [lobbying.ie](http://lobbying.ie) includes information and guidance tools explaining the registration and return processes.

There is no cost to register, to submit returns or to access the information contained therein. While the Commission has oversight responsibility for the establishment and maintenance of the register, the content is driven by the information contained in the applications to register and returns submitted by registrants.

Anyone who is lobbying must register and submit returns three times per year, covering prescribed "relevant periods" (1 January - 30 April, 1 May - 31 August, and 1 September - 31 December). The returns must be submitted by the respective prescribed "relevant dates" (21 May, 21 September and 21 January, respectively).

The return must indicate who was lobbied, the subject matter of the lobbying activity and the results the person was seeking to secure. The returns must also indicate the type and extent of the lobbying activity. If the lobbying activity was carried out on behalf of a client, the return must provide details of the client.

## Other provisions

### Applications to delay publication under section 14 of the Act

Under section 14 of the Act, a person may apply to delay publication of the information contained in the person's application to register or in their return of lobbying activities if publishing the information could reasonably be expected to:

- > Have a serious adverse effect on the financial interests of the State, the national economy or business interests generally or the business interests of any description of persons (an application made under section 14(1)(a) of the Act), or

- > Cause a material financial loss to the person to whom the information relates or prejudice seriously the competitive position of that person in the conduct of the person's occupation, profession or business or the outcome of any contractual or other negotiations being conducted by that person (an application made under section 14(1)(b) of the Act).

If an application is made under section 14(1)(a), the Commission is required to consult with any relevant Minister(s) of the Government. The Commission is not required to consult with a Minister(s) if an application is made under section 14(1)(b). (The Commission may, however, consider it appropriate to consult with a Minister on a section 14(1)(b) application).

Section 14(9) of the Act provides that when the returns are subsequently published the Commission must publish an explanation as to why publication of the information was delayed.

Section 14(11) of the Act provides that the Commission may make a determination to delay publication on more than one occasion in relation to information contained in a return of lobbying activities.

## **“Cooling-off” period provided for under section 22 of the Act**

Section 22 of the Act provides that Ministers, Ministers of State, special advisers and senior public officials who have been prescribed for the purposes of section 6(1) of the Act are subject to a one year “cooling-off” period, during which time they cannot engage in lobbying activities in specific circumstances, or be employed by, or provide services to, a person carrying on lobbying activities in specific circumstances. The cooling-off period is the period of one year from the date the person ceased to be a DPO.

The circumstances in which section 22 of the Act applies are the making of communications comprising the carrying on of lobbying activities which:

- > Involve any public service body with which the person was employed or held an office or other position in the year prior to his/her leaving, or
- > Are to a person who was also a DPO who was employed or held an office or other position with that public service body in the year prior to the person's leaving.

A person subject to the one-year cooling-off period may apply to the Commission for a waiver of the cooling-off period.

The Commission may decide to give consent unconditionally to a reduction or waiver of the cooling-off period or may decide to give consent with conditions attached. The Commission may decide to refuse the application for all or part of the cooling-off period.

## **Avoidance or Circumvention of obligations under the Act**

A new contravention has been added under the Amendment Act 2023. Under 18(f) it is a contravention if a person takes any action that has its intended purpose the avoidance or circumvention of the person's obligations under the Act.



## Appeals

Under section 23 of the Act a person who is aggrieved by a decision of the Commission under sections 10(5) (relating to reports of incorrect information on the register), section 14 (delayed publication), or section 22 (cooling-off period) may appeal the Commission's decision. The Department of Public Expenditure and Reform has established panels of independent appeal officers to hear such appeals. Under section 23 the appeal is referred to an independent appeal officer who may uphold a decision of the Commission, or overturn it and replace it with another decision.

Section 24 of the Act provides that the appeal officer's decision may be appealed to the High Court.

## Investigative and enforcement provisions

The Act contains a number of investigative and enforcement provisions which were commenced on 1 January 2017.

Finally, the Amendment Act 2023 provides for a legislative review to be carried out every five years. Following the review, the Minister may consider possible amendments to the Act. The Minister must report to the Houses of the Oireachtas on the outcome of the review and any recommendations for amendments to the Act.

## Statutory instruments

Seven statutory instruments have been introduced under the Act, namely:

- > *Regulation of Lobbying Act 2015 (Designated Public Officials) Regulations (S.I. 144 of 2019);*
- > *Regulation of Lobbying Act 2015 (Commencement) Order (S.I. 152 of 2015);*
- > *Regulation of Lobbying Act 2015 (Appeals) Regulations 2015 (S.I. 366 of 2015);*
- > *Regulation of Lobbying Act 2015 (Designated Public Officials) Regulations (S.I. 367 of 2015);*
- > *Regulation of Lobbying Act 2015 (Commencement) Order 2016 (S.I. 360 of 2016);*
- > *Regulation of Lobbying Act 2015 (Fixed Payment Notice) Regulations 2016 (S.I. 361 of 2016); and*
- > *Regulation of Lobbying Act 2015 (Designated Public Officials) Regulations 2016 (S.I. 362 of 2016).*

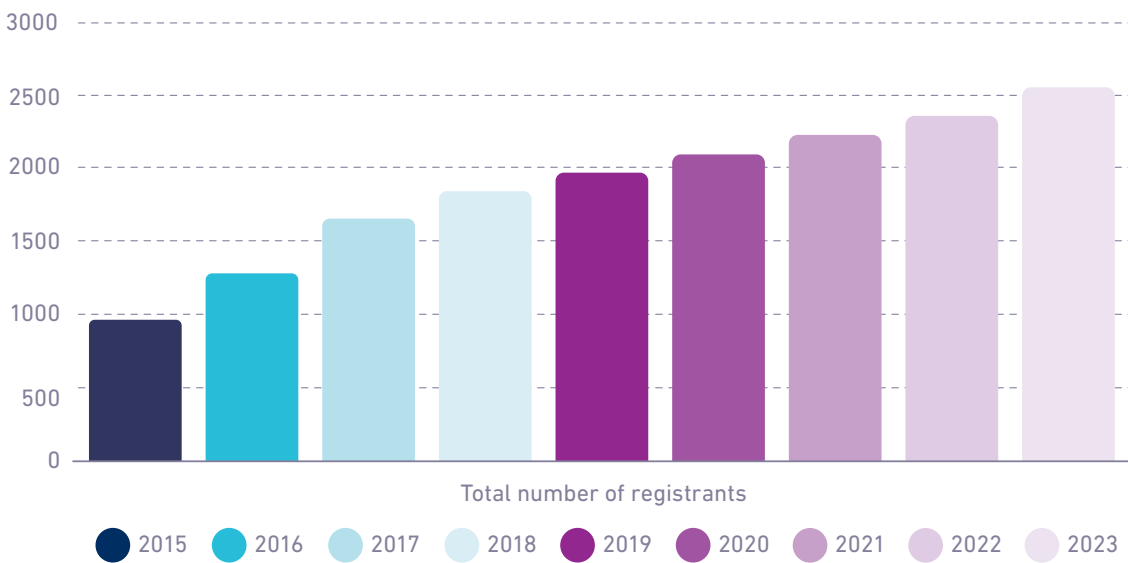
# Appendix Two:

Statistics

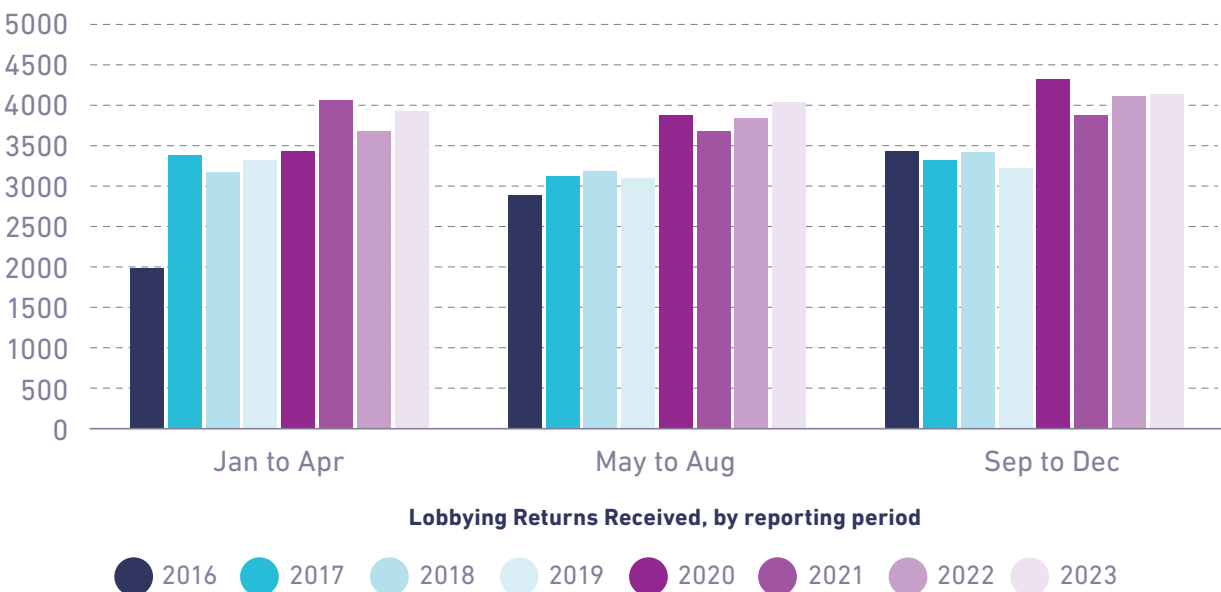


# Appendix Two: Statistics

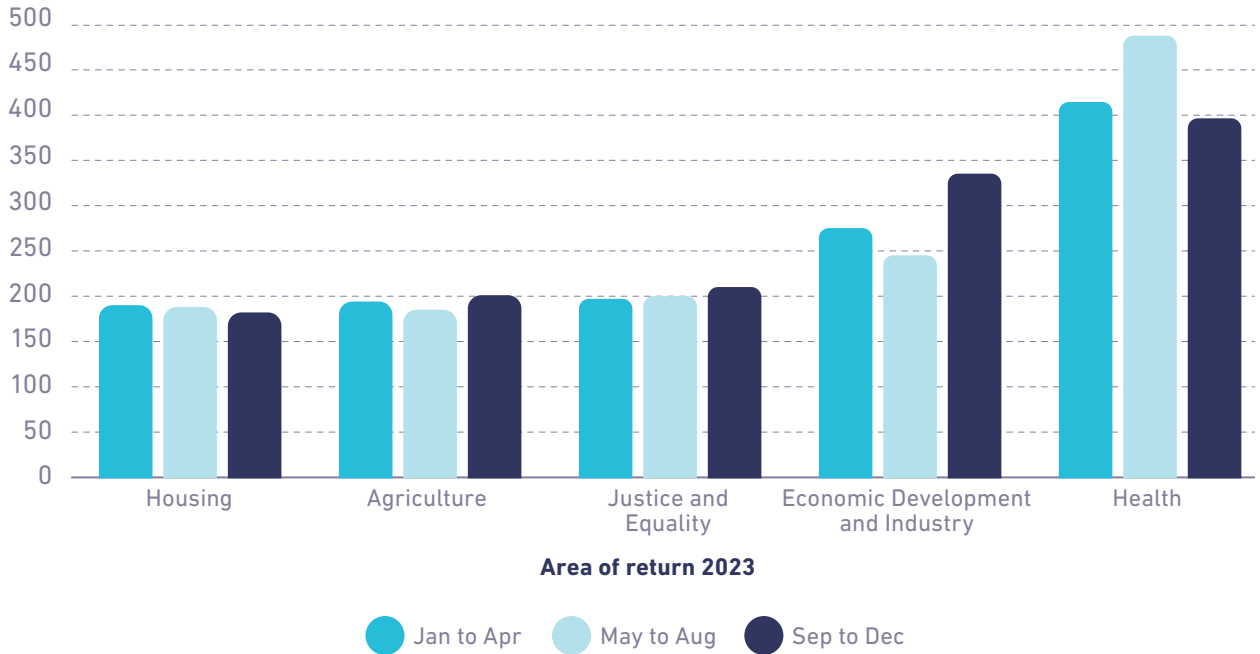
**Figure 1 – Total number of registrants at year end**



**Figure 2 – Lobbying returns received, by reporting period**



**Figure 3 – Top five public policy matters lobbied about in 2022**



**Figure 4 – Applications to waive post-public employment cooling-off period, 2015 to 2023**

Applications received									
	2015	2016	2017	2018	2019	2020	2021	2022	2023
Ministers	-	-	-	-	-	-	-	-	-
Ministers of State	-	-	-	-	-	-	-	-	-
Ministerial advisors	-	1	3	2	2	8	5	-	3
Prescribed public servants	-	1	2	-	-	-	-	-	-
<b>TOTAL</b>	<b>-</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>8</b>	<b>5</b>	<b>-</b>	<b>3</b>

**Figure 5 - Regional location of registrants at end 2023**

