

STATUTORY INSTRUMENTS

S.I. No 698 of 2004

Ethics in Public Office (Designated Positions in Public Bodies) Regulations 2004

Made by the Minister for Finance

(Prn 3806)

Price €2.54

WHEREAS I, Brian Cowen, Minister for Finance, am of the opinion that the bodies specified in the following regulations ought, in the public interest and having regard to the provisions and spirit of the Ethics in Public Office Act 1995 (No. 22 of 1995) (hereafter referred to as “the Act”), to be prescribed:

AND WHEREAS I consider that it is necessary in the public interest to prescribe the positions of employment in the public bodies specified in the following regulations for the purposes of the definition of “designated position” in section 2 of the Act in order to ensure, in a case in which, in my opinion, a conflict could arise between an interest referred to in section 18 of the Act and the public interest in the performance of a function of such a position, that the function will not be performed without the disclosure of the first-mentioned interest:

AND WHEREAS it is appropriate to prescribe the amount of remuneration of a person as special adviser, for the purposes of section 19(3)(a):

NOW THEREFORE, I, Brian Cowen, Minister for Finance, in exercise of the powers conferred on me by section 3 of, and paragraph 1(13) of the First Schedule to, the Act and after consultation with such other Ministers of the Government as I consider appropriate, hereby make the following regulations:

1. These Regulations may be cited as the Ethics in Public Office (Designated Positions in Public Bodies) Regulations 2004.
2. These Regulations come into operation on 1 January 2005.
3. (1) In these Regulations –

“Act” means Ethics in Public Office Act 1995 (No. 22 of 1995);

“Civil Service” has the same meaning as it has in the Civil Service Regulation Act 1956 (No. 46 of 1956);

“position” means position of employment.

(2) In these Regulations a reference to a Schedule is a reference to the Schedule to these Regulations, unless it is indicated that a reference to some other provision is intended.

4. The following positions are prescribed for the purposes of the definition of “designated position” in section 2 of the Act:

- (a) a position as a principal (general service grade, Class B PRSI) in the Civil Service,
- (b) a position in any public body specified in subparagraphs (1) to (7) of paragraph 1 of the First Schedule to the Act, in respect of which the maximum salary is not less than the maximum salary of a principal (general service grade, Class B PRSI) in the Civil Service, and
- (c) a position specified in the Schedule in the public body or part of the public body specified in relation to the position.

5. The amount of the maximum salary (standard scale, Class B PRSI) of a higher executive officer in the Civil Service is prescribed for the purposes of section 19(3)(a) of the Act.

6. The following are prescribed for the purposes of section 18(3)(b)(v) of the Act:

- (a) the office of the Director of Public Prosecutions,
- (b) the office of an Appeal Commissioner for the purposes of the Income Tax Acts within the meaning of the Taxes Consolidation Act 1997 (No. 39 of 1997),
- (c) the office of the Director of Corporate Enforcement,
- (d) the office of the Information Commissioner,
- (e) the office of the Registrar of Friendly Societies,

- (f) the office of the Ombudsman for Children, and
- (g) the office of the Pensions Ombudsman.

7. The Ethics in Public Office (Designated Positions in Public Bodies) Regulations 1996 (S.I. No. 57 of 1996) are revoked.

SCHEDULE

Department of Agriculture and Food

Assistant Principals and Higher Executive Officers dealing with (a) Animal Feeding stuffs and Pesticides in Crop Production and Safety Division and (b) in Animal Health and Welfare Division, Beef Public Storage Division, Accommodation Division, Agricultural Structures Division, Milk Policy Division, Erad Division and Food Safety Division engaged in the recommending or approving of contracts or in the processing of tenders,

Assistant Principals, Higher Executives Officers and Administrative Officers in the IT Group engaged in the recommending or approving of contracts or in the processing of tenders,

Assistant Principals in Beef Export Refunds and On Farm Investments Division, Animal By-Products Section, Area Aid Division and Other Market Supports Division engaged in the recommending or approving of contracts or in the processing of tenders,

Veterinary Inspectors engaged in the recommending or approving of contracts or in the processing of tenders,

District Superintendents engaged in the procurement of factories for the slaughter of reactors and the procurement of hauliers for the transport of reactors,

Research Officers and Senior Laboratory Technicians 1 and 2 in the Central Veterinary Research Laboratory, Regional Veterinary Laboratories and Blood Testing Laboratory engaged in recommending or approving contracts or in the processing of tenders,

Chief Technologist

Senior Forestry Inspectors

Head of Forest Protection Service (Forest Service Section)

Forestry Inspectors Grade 1

Forestry Inspectors Grade 11

Forestry Inspectors Grade 111

Department of Arts, Sport and Tourism

Corporate Support Division

Assistant Principal in Finance Unit

Assistant Principal in Human Resources Unit

Assistant Principal in Training Unit

Assistant Principal in Information Technology Unit

Higher Executive Officer in Human Resources Unit

Higher Executive Officer in Information Technology Unit

Higher Executive Officer in Finance Unit

Higher Executive Officer in Training Unit

Line Divisions

Assistant Principal in Sports Capital Grants Unit

Higher Executive Officer in Sports Capital Grants Unit

Assistant Principal in ACCESS Grants Unit

Higher Executive Officer in ACCESS Grants Unit

National Museum

Head of Conservation

Head of Marketing
Head of Irish Antiquities Division
Head of Arts and Industry Division
Head of Natural History Division
Keeper/Manager Museum of Country Life
Assistant Principal (Administration)
Facilities Manager
Senior Graphic Artist
Senior Photographer
Education Officer
Registrar

National Archives

Keeper
Senior Archivist
Archivists (Electronic Archives)
Conservator
Higher Executive Officer

The National Library

Keeper
Keeper - Administration
Library Administration Officer (Higher Executive Officer)

Office of the Attorney General

Advisory Counsel Grade 111
Assistant Parliamentary Counsel Grade 11 (Statute Law Revision Unit)
Assistant Principal (Deputy Head of Administration)
Assistant Principal (IT Manager)
Higher Executive Officer (Finance Unit)
Higher Executive Officer (Internal Audit Unit)
Assistant Parliamentary Counsel Grade 11

Central Statistics Office

Assistant Principal – Census Support, Dublin
Assistant Principal – Training and Development, Cork
Higher Executive Officer – Training and Development, Cork
Higher Executive Officer – Training Policy and Support, Cork
Higher Executive Officer – PMDS, Cork
Assistant Principal – Personnel, Cork
Higher Executive Officer – Personnel, Cork
Assistant Principal/Analyst – Information Technology, Dublin
Assistant Principal – Industry, Cork
Statistician – Industry, Cork
Assistant Principal – Information, Cork
Higher Executive Officer - Information, Cork
Assistant Principal – Administration, Dublin
Assistant Principal – Finance, Cork
Higher Executive Officer – Administration, Dublin
Assistant Principal – Office Services, Cork

Higher Executive Officer – Office Services, Cork
Assistant Principal – Methodology and Development, Cork
Statistician – Methodology and Development, Dublin
Assistant Principal – Database Administrator, Cork
Assistant Principals/Analysts – Systems Development Section (SDS), Cork
Higher Executive Officers/Analysts – SDS, Cork
Executive Officers/Analysts - SDS, Cork
Assistant Principal – Networks Manager, Cork
Assistant Principal – Networks Manager, Dublin
Higher Executive Officers – Computer Support, Cork
Higher Executive Officers – Computer Support, Dublin
Statistician – Computer Support, Cork

Chief State Solicitor’s Office

Human Resources Manager
Information Technology Manager
Law Librarian

Public Appointments Service

Senior Psychologist
Assistant Principal, IT Manager
Assistant Principal, Project Office Manager
Assistant Principal, Recruitment Specialist

Department of Communications, Marine and Natural Resources

Engineers – Grade 1
Engineers – Grade 11
Engineers – Grade 111
SAR Operations Manager (Irish Coast Guard)
Pollution and Salvage Manager (Irish Coast Guard)
Voluntary Services and Training Manager (Irish Coast Guard)
Surveyors within the meaning of the European Communities Merchant Shipping (Port State Control) Regulations 1998 and under the Merchant Shipping Acts 1894 to 1992)
Ships Surveyors
Engineering Surveyors
Nautical Surveyors
Marine Radio Surveyors
Senior Sea Fishery Officers
Sea Fishery Officers
Sea Food Control Manager
Assistant Principal (Corporate Planning & Finance MIF Units)
Assistant Principal (Corporate Planning and Finance Accounts Sections)
Assistant Principal (Information Systems Division)
Assistant Principal – Foreshore Leases & Licences (Coastal Zone Management Division)
Assistant Principal – Aquaculture Licences (Coastal Zone Management Division)
Assistant Principals – Chairs of grant-aid approval boards (Seafood Policy and Development Division)
Assistant Principals (Communications Development Division)

Assistant Principal – Deciding Officer on Sea Fishing Boat Licensing & Registration (Sea Fisheries Administration Division)
Assistant Principal – Facilities (Corporate Support (Services) Division)
Assistant Principal (Exploration & Mining Division and Geological Survey)
Principal Geologists (Exploration & Mining Division and Geological Survey)
Senior Geologists (Exploration & Mining Division and Geological Survey)
Chief Technologists (Geological Survey)
Senior Technologists (Geological Survey)
Chief Superintendent & other equal grades (Geological Survey)
Registrar General of Fishing Boats appointed under S.I. 294 of 1997
Appeals Officer(s) appointed under section 6 of the Fisheries (Amendment) Act 2003
Administrative Officer (Communications Development Division)
Higher Executive Officers (Communications Development Division)
Higher Executive Officers – Deciding Officers on Sea Fishing, Boat Licensing & Registration (Sea Fisheries Administration Division)
Petroleum Exploration Specialists (Petroleum Affairs Division)

Department of Community, Rural and Gaeltacht Affairs

Assistant Principal Officers
Higher Executive Officers

Office of the Commissioners for Charitable Donations and Bequests for Ireland

Secretary to the Commission

Office of the Comptroller and Auditor General

Information Technology Manager
Services Manager
Senior Auditor – Contracting out of Audits

Department of Defence

Properties Officer, Property Management Branch
Higher Executive Officer, Property Management Branch
Assistant Principal (Assistant Contracts Manager), Contracts Branch
Higher Executive Officer, Contracts Branch
Executive Officer, Contracts Branch
Assistant Principal, Training and Development Unit
Higher Executive Officer, Training and Development Unit
Higher Executive Officer, Accommodation Officer
Assistant Principal, Civil Service Personnel
Higher Executive Officer, Civil Service Personnel (Dublin)
Higher Executive Officer, Civil Service Personnel (Galway)
Assistant Principal, Information Systems Branch
Higher Executive Officer, Information Systems Branch (Dublin)
Higher Executive Officer, Information Systems Branch (Galway)

Director of Public Prosecutions

Professional Officer Grade IV
Prosecution Solicitor
Deputy Principal Legal Executive
Assistant Principal Legal Executive

Higher Legal Executive
Law Librarian
Assistant Principal
Assistant Principal/Information Technology
Higher Executive Officer
Higher Executive Officer/Systems Analyst

Department of Education and Science

Assistant Principals with responsibility for the procurement of information technology equipment, Information Technology Unit
Higher Executive Officers with responsibility for the procurement of information technology equipment, Information Technology Unit (Operations Section)
Higher Executive Officers with responsibility for the procurement of furniture/equipment/services, Accommodation and Services Section
Assistant Principals with the responsibility for the procurement of furniture/equipment/services, Change Management Unit
Higher Executive Officers with responsibility for the procurement of furniture/equipment/services, Change Management Unit
Assistant Principal, Staff Training and Development Unit
Training Officer, Staff Training and Development Unit
Higher Executive Officers with responsibility for the procurement of furniture/equipment/services, Personnel Section
Senior Inspectors with responsibility for the procurement of furniture and equipment, Planning and Building Unit
Assistant Principals, Planning and Building Unit
Managers, Planning and Building Unit
Senior Architect, Planning and Building Unit
Architect, Planning and Building Unit
Engineer Grade 1 and 11, Planning and Building Unit
Quantity Surveyor, Planning and Building Unit
Architectural Assistants, Planning and Building Unit
Assistant Principal, National Educational Psychological Service
Higher Executive Officer, National Educational Psychological Service
Assistant Principal, Regional Officers Directorate

Department of Enterprise, Trade and Employment

Assistant Principal – Research, Technology & Innovation Committee (Office of Science and Technology)
Assistant Principal – Incubation Assessment Committee (Office of Science and Technology)
Assistant Principal – National Research Support Fund, Support Board (Office of Science and Technology)
Assistant Principal posts in the Information Technology Unit
Assistant Principal who is head of Import/Export Licensing Unit (Market Access Unit)

Companies Registration Office

Assistant Registrar of Companies
Higher Executive Officer, Information and Training Unit,
Higher Executive Officer, Publications Section

Higher Executive Officer, Information Technology Section

Office of the Director of Corporate Enforcement

Corporate Compliance Manager

Legal Advisor

Assistant Principal and Higher Executive Officer, Corporate Services Unit

Office of the Registrar of Friendly Societies

Assistant Principal Officer

Department of the Environment, Heritage and Local Government

Assistant Principal (Organisation Unit)

Assistant Principal (IT Unit)

Assistant Principal (Personnel – dealing with accommodation issues)

Department of Finance

Assistant Principal – National Lottery Section

Higher Executive Officer – National Lottery Section

Assistant Principal – Semi State Bodies Section

Higher Executive Officer – Semi State Bodies Section

Assistant Principal – Corporation Tax Section

Assistant Principals – International Financial Services Centre Section

Inspector of Taxes (Higher Grade) – International Financial Services Centre Section

Assistant Principal – Urban Renewal and Seaside Resorts Designation

Higher Executive Officer – Urban Renewal and Seaside Resorts Designation

Assistant Principal – BES/Seed Capital Schemes and donation to the Arts

Assistant Principal – Accounts Section, PMG Banking

Assistant Principals – Administrative Vote Control

Administrative Officers – Administrative Vote Control

Higher Executive Officers – Administrative Vote Control

Assistant Principals – Internal Audit Unit

Higher Executive Officers – Internal Audit Unit

Assistant Principals – CMOD administration and Corepay

Higher Executive Officers – CMOD administration

Assistant Principals – Human Resource Development Section, CMOD

Higher Executive Officers – Human Resource Development Section, CMOD

Assistant Principals – Technology Policy Division, CMOD

Higher Executive Officers – Technology Policy Division, CMOD

Assistant Principal – IT Expenditure Control, CMOD

Higher Executive Officers – IT Expenditure Control, CMOD

Assistant Principals, IT Systems and Infrastructure, CMOD

Higher Executive Officers – IT Systems and Infrastructure, CMOD

Assistant Principals – Organisation Development Unit, CMOD

Higher Executive Officers – Organisation Development Unit, CMOD

Director, Language Training Centre

Stiúrthóir, Gaeleagras

Assistant Principal – Accommodation and Services

Higher Executive Officers – Accommodation and Services

Assistant Principal – Departmental Training Unit

State Laboratory

Senior Chemist responsible for procurement of IT equipment

Senior Chemist responsible for procurement of analytical equipment

National Development Plan – Community Support Framework Information
Technology Unit

Head of Unit

National Development Plan – Community Support Framework Information Office

Head of Unit

Information Officer

European Regional Development Fund – Financial Control Unit

Head of Unit

National Development Plan – Community Support Framework Evaluation Unit

Head of Unit

Department of Foreign Affairs

Head of Mission at Assistant Principal/First Secretary/Development Specialist level

First Secretary (Development) Embassy, Pretoria

Principal Development Specialist, Development Cooperation Directorate

Senior Development Specialist, Development Cooperation Directorate

Outsourcing Specialist, Development Cooperation Directorate

Assistant Principal/First Secretary, Accommodation Section, Corporate Services
Division

Assistant Principal/First Secretary, Management Services, Corporate Services
Division

Assistant Principal/First Secretary, IT Unit, Corporate Services Division

Assistant Principal/First Secretary, Protocol 1

Assistant Principal/First Secretary, Reconciliation Fund, Anglo-Irish Division

Department of Health and Children

Assistant Principals, Systems Internal

Assistant Principal, Systems External

Assistant Principal, Corporate Services

Higher Executive, Corporate Services

Assistant Principals, Training/Change Management Unit

Assistant Principals, Health Promotion Unit

Press Officer

Commission of the Houses of the Oireachtas

Finance Officer

Information and Communications Technology Manager

Librarian

Public Relations Officer

Restaurant Manager

Bar Manager

Procurement Officer

Parliamentary Legal Adviser

Principal Clerk in E-democracy Unit
Training Officer
Captain of the Guard
Stationery Clerk

Department of Justice, Equality and Law Reform

Finance Division

Assistant Principal – IT/Personnel
Assistant Principal – Financial Implementation
Higher Executive Officers – IT Section
Higher Executive Officers – Financial Implementation
Higher Executive Officer – Resource Development Section

Head Office

Assistant Principals with authority to purchase – IT Unit
Higher Executive Officers with authority to purchase – IT Unit
Assistant Principals with authority to purchase – Corporate Services Division
Higher Executive Officers with authority to purchase – Corporate Services Division

Government Inspectors of Explosives (Crime Division)

Film Censor

Garda Síochána Complaints Board

Assistant Principals with responsibility to purchase
Higher Executive Officers with responsibility to purchase

Inspector of Prisons and Places of Detention

Executive Officer with authority to purchase

Irish Prison Service

Posts at Assistant Principal Officer with authority to purchase in the Estates, Finance and Human Resources Directorates
Higher Executive Officers with authority to purchase in the Estates and Finance Directorates
Pharmacist in the Medical Services Directorate
Governors Grade 2 and 3

Office of the Refugee Appeals Tribunal

Assistant Principal, Corporate Services
Higher Executive Officer, Corporate Services
Higher Executive Officer, IT
Higher Executive Officer, Training

Office of the Refugee Applications Commissioner

Assistant Principal 1, Organisation and Finance
Higher Executive Officer, Organisation and Finance
Assistant Principal IT Unit
Higher Executive Officers IT Unit
Assistant Principal Secretariat Unit

Higher Executive Officer Secretariat Unit

Probation and Welfare Service

All Assistant Principal Probation and Welfare Officers with authority to purchase
Higher Executive Officers with authority to purchase

Reception and Integration Agency

Assistant Principal Officers with responsibility for procurement of accommodation in the commercial sector
Assistant Principal Officers with responsibility for dealing with State owned properties
Administrative Officers with responsibility for procurement of accommodation in the commercial sector

Land Registry and Registry of Deeds

Assistant Principal and Higher Executive Officers in Human Resources Division
Assistant Principal and Higher Executive Officers in Corporate Services Division
Assistant Principal and Higher Executive Officers in Information Systems Unit

The Courts Service

Assistant Principals with responsibility for the placing of contracts and for training

Office of Public Works

Assistant Principal Officers and all equivalents
Higher Executive Officers and all equivalents

Office of the Ombudsman

Head of Corporate Services
Information Systems Manager
Higher Executive Officer, Network Manager

Office of the Revenue Commissioners

All grades at Assistant Principal level (including general service, departmental, professional and technical equivalents)

All grades at Higher Executive Officer and Administrative Officer level (including general service, departmental, professional and technical) having responsibility in relation to:

- audit
- debt management and compliance including write off, insolvency and collection enforcement
- tax clearance
- contracts for the sale or purchase of goods and services and/or approving payments for goods and services
- banking
- the processing of repayments of taxes and duties.

All grades at Executive Officer and Staff Officer level (including general service, departmental, professional and technical) having responsibility in relation to:

- contracts for the sale or purchase of goods and services and/or approving payments for goods and services
- banking
- the processing of repayments of taxes and duties

Office of the President

Assistant Principal (Assistant Secretary to the President)

Department of Social and Family Affairs

Assistant Principals in the IT Division including Service Delivery Model Projects
Higher Executive Officers in the IT Division including Service Delivery Model Projects

Assistant Principals having charge of Client Identity Projects, Identity Cards and Protection of Data and Access

Assistant Principals having charge of Information Services

Higher Executive Officers having charge of Information Services, including Press Officer

Assistant Principals having charge of Accommodation, Health and Safety, Office Supplies, Printing, Waste Management, Cleaning and Security Services

Higher Executive Officers having charge of Accommodation, Health and Safety, Office Supplies, Printing, Waste Management, Cleaning and Security Services

Assistant Principals having overall responsibility for course material and course providers

Assistant Principals having overall responsibility for Customer Services

Higher Executive Officers – Training Officers

Assistant Principals having charge of System Support Unit, Policy and Administration

Higher Executive Officers in System Support Unit

Assistant Principals in charge of Management Information System, Information Security and An Post Liaison Officer

Assistant Principals and Higher Executive Officers with responsibility for:

- (a) contracts with various bodies, companies and service providers in connection with the department's schemes, those responsible for contracts and dealings with the main transport operators and private bus operators, Eircom, An Post, ESB and Bórd Gais,
- (b) contracts in relation to production of Pensions, Child Benefit and other benefit and assistance allowance books,
- (c) Office Services and Staff Support Unit at the Pensions Services Office
- (d) Assistant Principals assigned to Civil Registration Modernisation Programme

Department of the Taoiseach

Assistant Principal - Finance Officer

Assistant Principal - Personnel Officer

Assistant Principal - Head of IT Division

Assistant Principal – Protocol with authority to purchase

Higher Executive Officer – IT Division with authority to purchase

Higher Executive Officer – Head of Management Services with authority to purchase

Department of Transport

Assistant Principal in Corporate Management Division

GIVEN under my Official Seal,

3rd November 2004.

BRIAN COWEN
Minister for Finance

EXPLANATORY NOTE

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

These regulations are made under the Ethics in Public Office Act 1995 (No. 22 of 1995) to apply the provisions of the Act to individuals occupying specified positions in the Civil Service. The Regulations designate certain positions in the Civil Service as “designated positions” as defined in Section 18 of the Act. Persons occupying positions designated in these regulations are required to furnish a statement of registrable interests (as defined in the Second Schedule to the Act) to the relevant authority (as defined in Section 18 of the Act) within their organisation.

The relevant authority in each of the bodies will be specified by the Minister for Finance and details will be available in an Appendix to the Standards in Public Office Commission’s “Guidelines on compliance with the provisions of The Ethics in Public Office Acts 1995 and 2001 – Public Servants (Third Edition)”.