

Offence of lobbying NAMA – Section 221 – NAMA Act

221.—(1) Subject to *subsections (3) and (4)*, if a person communicates, on behalf of another person, with NAMA, a NAMA group entity or a person providing services or advice to NAMA or a NAMA group entity with the intention of influencing the making of a decision in relation to the performance of the functions of NAMA or the NAMA group entity, the person commits an offence.

(2) Without prejudice to the generality of *subsection (1)*, a reference in that subsection to a decision relating to the performance of the functions of NAMA includes a decision relating to—

- (a) the lending of money,
- (b) the initiation of legal proceedings,
- (c) legal proceedings in being,
- (d) the engagement of the services of an expert adviser or other service provider,
- (e) any other matter that could give rise to an advantage or benefit to a person other than NAMA,
- (f) a tender, or
- (g) the purchase or sale of property.

(3) It is not an offence pursuant to *subsection (1)* if the communication concerned—

- (a) is made public at the time of the communication,
- (b) is made without an intention to benefit, or confer an advantage on, any specific person, or
- (c) is made in the public interest.

(4) It is not an offence pursuant to *subsection (1)* if the person who makes the communication concerned—

- (a) is acting in his or her professional capacity or in the course of his or her employment, and
- (b) does so in that capacity.

(5) A person who believes that he or she has been communicated with in contravention of *subsection (1)* shall, as soon as may be, report—

- (a) that the communication was made,
- (b) the details of the communication made, and
- (c) the name of the person who communicated with him or her, to a member of the Garda Síochána.

(6) A person who fails to comply with *subsection (5)* commits an offence.

(7) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding €1,000 or imprisonment for a term not exceeding 6 months or both.