

Tuesday 30 April 2019

Re: Lobbying Act - response to public consultation

To whom it may concern.

The Irish Mortgage Holders Organisation is a not for profit organisation which aims to facilitate independent mortgage/debt resolution between lenders/creditors and mortgage holders. We are a registered Charity, regulated by the Charities Regulatory Authority, and file our lobbying returns with SIPO, where relevant.

We note that Part 4, Section 21 of the Lobbying Act set the conditions under which fixed payment notices can be issued by the Commission.<sup>1</sup> Under this provision fixed payment notices are set at 200 euro, regardless the activity of the entity to whom the notice has been addressed. There is no difference made between a commercial entity and a charity where 200 euro is frequently a significant sum for the latter, in contrast to the former. We would ask therefore that any revision of the Act consider the application of a fixed penalty notice which is proportionate to the commercial activity of the organisation to whom it is addressed.

Sincerely yours,

David Hall

CEO, Irish Mortgage Holders Organisation



<sup>1</sup> Fixed payments

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(1) Where a person commits an offence under section 20(1), the Commission may serve a notice (in this section referred to as a fixed payment notice) on the person.

(2) The fixed payment notice shall—

(a) be in the prescribed form;

(b) state that the person is alleged to have committed an offence under section 20(1);

(c) state that the person is not obliged to pay the fixed payment;

(d) state that, if the fixed payment is paid to the Commission by the date specified in it, a prosecution in respect of the offence under section 20(1), will not be initiated; and

(e) contain details of how the fixed payment is to be paid.

(3) The fixed payment notice shall be served on the person by delivering it to the person or by leaving it at, or posting it to, the address, or principal address at which the person carries on business or, if there is no such address, the address at which the person ordinarily resides (as shown on the Register).

(4) The fixed payment is 200.

(5) No prosecution in respect of the offence under section 20(1) shall be initiated against the person— (a) until after the date specified in the fixed payment notice as that by which the fixed payment is to be paid; or (b) at all if the fixed payment is paid to the Commission before that date.

(6) The amount of any fixed payment received by the Commission under this section shall be paid into or disposed of for the benefit of the Exchequer as the Minister directs.