

Reference No: S9/13/26; **Date:** 21/12/1929

Circular 50/1929:- Position of Civil Servants in regard to Government contracts and to purchases from or sales to Government Departments

A Dhuine Uasail,

I am directed by the Minister for Finance to inform you that he has had under consideration the question of the proper attitude to be adopted by Government Departments and by individual Civil Servants in regard to the allotment of Government contracts, or the purchase from or the sale of goods to the State, and that he has had before him the views of the Civil Service generally on the subject as the result of discussions at the Civil Service Representative Council.

Subject to the special circumstances of Departments, e.g., the main contracting Departments, where it may be necessary to lay down more specific rules, the Minister desires that the action of the Service should be regulated generally in accordance with the principles outlined hereunder and that wherever a departure from these principles seems desirable the case should be submitted to him for special consideration.

1. (a) No Government contract should be let to a Civil Servant or to any partnership of which he is a member, apart from a Corporation in which he is merely a shareholder, or to any Company of which a Civil Servant is a Director (except as a nominee of the Government).

(b) No purchase should be made from and no sale made to a Civil Servant without the express sanction of the Minister for Finance excepting, of course, transactions such as occur in the ordinary course of public business, e.g., the purchase of Stationery Office publications, Savings Certificates, Money Orders, etc. Where a Civil Servant desires to attend as Purchaser at a public auction of property belonging to a Government Department, he should inform the Head of his Department beforehand.

2. (a) A Civil Servant who enters into any undertaking, holds some outside interest, or participates in any outside business affecting, or likely to affect, a State contract, or the purchase or sale of State Property, should immediately disclose the measure of his interest to the Head of the Department.

(b) A Civil Servant who, in the course of his official duties comes into contact with any matter affecting a business organisation in which he has an interest, should immediately disclose the measure of his interest to the Head of his Department so that some other officer may, if the Head of the Department considers it necessary, be asked to deal with the matter.

(c) A Civil Servant should not accept a directorship (except as a nominee of the Government) in any company holding a Government contract. Nor should he take any part in the direction or management of any society or any trading, commercial, industrial or financial firm or company which would require his attendance during the prescribed official hours of attendance, or which would in any way conflict with his official interests. If, subject to observance of these restrictions, a Civil Servant proposes to take part in the direction or management of a firm, company or society, he should first inform the Head of his Department of his intention.

(d) A Civil Servant should not negotiate or arbitrate in any matter affecting a Government contract or the purchase from or sale of goods to the State where, in his private capacity, he is interested either as a principal or as a shareholder in a company being one of the principals in the matter under consideration.

I am to request that the foregoing general principles will be observed in your Department in future and that you will be good enough to bring the contents of this Circular to the notice of each member of the staff of the Department.

Mise, le meas,

H.P. Boland

Note: Confidential Circular 13/50, paragraph 7, subsequently stated:

Position of Civil Servants in regard to Purchases from or Sales to Government Departments

(7) In this Department's Circular 50/29 it is specified that no purchase should be made from and no sale made to a Civil Servant without the express sanction of the Minister for Finance excepting, of course, transactions such as occur in the ordinary course of public business, e.g., the purchase of Stationery Office publications, Savings Certificates, Money Orders, etc. These provisions have been reconsidered and it has been decided that, in future, sanction to purchases from or sales to Civil Servants may be granted by the Department in which the transaction arises provided (a) the total value of the transaction does not exceed £500, (b) that, where appropriate, the Department in which the officer is serving is consulted, and (c) that the officer, by reason of his special position as a Civil Servant, receives in regard to the purchase or sale terms no more favourable than would be accorded to a member of the public.

Section 94
Holidays (Employees) Act, 1973
See Circular Letter 8/77 in Section 89 of Personnel Code