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**AN BILLE UM CHEARTAS COIRIÚIL (CIONTA  
SCEIMHLITHEOIREACHTA), 2002  
CRIMINAL JUSTICE (TERRORIST OFFENCES) BILL, 2002**

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**EXPLANATORY MEMORANDUM**

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*Introduction*

The purpose of the Bill is to give effect to a number of international instruments directed to terrorism and to meet commitments which the State has undertaken as part of the European Union and the broader international community, including commitments arising from United Nations Security Council Resolution 1373 adopted in response to the events of September 11th, 2001. The Bill is also intended to amend our law more generally to enhance the capacity of the State to address the problem of international terrorism.

The principal purpose of the Bill is to enable effect to be given in our law to the:

- European Union Framework Decision on Combating Terrorism;
- International Convention against the Taking of Hostages;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- International Convention for the Suppression of Terrorist Bombings; and the
- International Convention for the Suppression of the Financing of Terrorism.

The Bill makes provision for a number of additional measures directed in particular to the financing of terrorism and terrorist groups for the purpose of complementing the Convention for the Suppression of the Financing of Terrorism.

*PART 1 (Sections 1-3)*

PRELIMINARY MATTERS

This Part defines certain terms used in the Bill and provides for the bringing into force of the Act.

*Section 1 (Short title)*

*Section 1* provides that the short title of the Bill is the Criminal Justice (Terrorist Offences) Bill, 2002.

### *Section 2 (Commencement)*

*Section 2* provides that the Bill, other than section 54, will come into operation by Ministerial Order and that different provisions of the Bill may be brought into effect by different orders.

### *Section 3 (Interpretation)*

*Section 3* provides for the definition of certain terms used in the Bill and for the circumstances in which a person will be considered to be resident or habitually resident in the State.

## *PART 2 (Sections 4-7)*

### SUPPRESSION OF TERRORIST GROUPS AND TERRORIST OFFENCES

#### *Introduction*

The purpose of this Part is to give effect to the framework decision on Combating Terrorism adopted by the Council of the European Union on 13 June, 2002. Article 34 of the Treaty on European Union provides that the Council may adopt framework decisions for the purpose of the approximation of the laws and regulations of the Member States. It also provides that framework decisions will be binding on the Member States as to the result to be achieved, but will leave to the national authorities the choice of form and methods. The Framework Decision on Combating Terrorism is directed to the approximation of the laws of the Member States in relation to a common definition of terrorist offences, including offences relating to terrorist groups. The Framework Decision also provides for the establishment of extraterritorial jurisdiction in relation to those offences in certain circumstances and for the penalties which they should attract. Dáil and Seanad Éireann approved participation in the adoption of the Framework Decision on 12 December, 2001 following political agreement on its terms at the Justice and Home Affairs Council on 6 and 7 December, 2001.

#### *Section 4 (Definitions for Part 2)*

This defines terms for the purpose of Part 2. Key definitions include “terrorist activity” and “terrorist-linked activity”.

“Terrorist activity” is defined by reference to offences under our law which are committed in or outside the State with the intent of seriously intimidating a population, unduly compelling a Government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, economic or social structures of a state or an international organisation. The specified offences for the purpose of the definition of terrorist activity are set out in Part 1 of Schedule 2 and comprise those offences under Irish law which correspond to the specified categories of intentional acts set out in Article 1 of the Framework Decision.

“Terrorist-linked activity” is similarly defined by reference to certain further specified offences under our law committed in or outside the State for the purpose of engaging in terrorist activity or in connection with the offences of membership and the new offence, as provided for in section 51 of this Bill, of providing assistance to an unlawful organisation under the Offences against the State Act, 1939. The other specified offences are set out in Parts 2 and 3 of Schedule 2 and comprise those offences which correspond to specified categories of intentional acts set out in Article 3 of the Framework Decision.

“Terrorist group” is defined by reference to the Framework Decision, i.e. a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences.

#### *Section 5 (Terrorist Groups)*

*Section 5* makes provision for terrorist groups as defined in section 4 by way of the application of the relevant provisions of the Offences against the State Acts, 1939 to 1998, to such groups for the purposes of Article 2 of the Framework Decision.

*Subsection (1)* provides that terrorist groups which engage in, promote, encourage or advocate the commission of terrorist activity in or outside the State will be unlawful organisations for the purposes of the Offences against the State Acts, 1939 to 1998, and section 3 of the Criminal Law Act, 1976.

*Subsection (2)* provides that the Offences against the State Acts, 1939 to 1998, and section 3 of the Criminal Law Act, 1976, will apply to terrorist groups with any necessary modifications. *Subsection (3)* provides that subsections (1) and (2) are not limited by any other provision of the Bill which refers to specific provisions of those Acts and *subsection (4)* provides that subsections (1) and (2) will apply whether the terrorist group is based in or outside the State.

#### *Section 6 (Terrorist offences)*

*Section 6* makes provision for terrorist offences.

*Subsection (1)(a)* provides that a person who engages in terrorist activity or terrorist linked activity in or outside the State is guilty of an offence. It also makes attempting to engage in terrorist activity or in terrorist linked activity and threatening to engage in terrorist activity in or outside the State an offence. *Subsection 1(b)* provides for certain specified offences relating to unlawful organisations also to be offences when committed outside the State. The offences specified for this purpose comprise the offences of membership of, providing assistance to, and directing, an unlawful organisation. Subsection (1) is made subject to subsections (2) to (4).

*Subsections (2)* and *(3)* govern the circumstances in which acts committed outside the State will be offences for the purposes of subsection (1) and correspond to those under which there is a requirement to take extra-territorial jurisdiction in Article 9 of the Framework Decision. *Subsection (2)* provides that subsection (1) will apply in relation to acts committed outside the State where the act is

- (a) committed on board an Irish ship,
- (b) committed on an aircraft registered in the State,
- (c) committed by a person who is a citizen or is resident in the State,
- (d) committed for the benefit of a legal person established in the State,
- (e) directed against the State or Irish citizens, or
- (f) directed against EU institutions or bodies set up in the State.

*Subsection (3)* provides that the acts described in subsection (1) will also be offences when committed outside the State in circumstances other than those provided for in subsection (2) but in those cases the taking of proceedings is made subject to section 45 of the Bill. *Sections 45(2)* and *45(3)* place restrictions on the taking of proceedings in respect of those offences consistent with the requirement in the Framework Decision to take jurisdiction where a request for extradition is made and is refused.

*Subsection (4)* provides that subsection (1) will not apply in respect of the activities of armed forces during an armed conflict insofar as those activities are governed by international humanitarian law, or the activities of armed forces of a state in the exercise of their official duties insofar as those activities are governed by other rules of international law.

*Subsections (5)* and *(6)* make provision for a rebuttable presumption in certain circumstances in relation to the intent required for the purposes of committing the offence of engaging in or attempting to engage in terrorist activity. *Subsection (5)* provides that where a person is proved to have committed, or to have attempted to commit, an act that constitutes or would constitute an offence specified in Part 1 of Schedule 2 and the court is satisfied, having regard to all the circumstances, that it is reasonable to assume that the act was committed with the required intent, the person will be presumed to have committed the act with such intent unless the contrary is shown. *Subsection (6)* provides for certain specified circumstances which a court may take into account for this purpose. These are whether the act created or was likely to create a collective danger to the lives or the physical integrity of persons, caused or was likely to cause serious damage to a state or international organisation, caused or was likely to result in major economic loss, and any other matters that a court considers relevant.

*Subsection (7)* makes provision for the Director of Public Prosecutions to co-operate with the prosecuting authorities of other EU Member States and mechanisms established within the European Communities to facilitate co-operation between judicial authorities with a view to centralising prosecution in a single Member State in circumstances where more than one Member State has jurisdiction to try a person for a terrorist offence.

#### *Section 7 (Penalties)*

*Section 7* makes provision for penalties in respect of terrorist offences as required by Article 5 of the Framework Decision.

*Subsection (1)* provides that a person guilty of an offence under section 6(1)(a) will be liable to a penalty which is determined by reference to the penalty which would be imposable for the same offence when committed without the special intent required for terrorist offences. The penalty imposable will be the same where it is a sentence of imprisonment fixed by law or imprisonment for life and enhanced maximum penalties will be available in other cases.

*Subsection (2)* provides that a person guilty of an offence under section 6(1)(b) will be liable to the same penalty which would be imposable in relation to the same act committed in the State. *Subsection (3)* defines the expression “corresponding offence” for the purposes of the section.

PART 3 (Sections 8-11)

SUPPRESSION OF HOSTAGE-TAKING, TERRORIST BOMBING AND CRIMES  
AGAINST INTERNATIONALLY PROTECTED PERSONS

*Introduction*

The purpose of this Part is to give effect to three United Nations Conventions dealing with the Suppression of Hostage-Taking, Terrorist Bombing and Crimes Against Internationally Protected Persons. The International Convention against the Taking of Hostages was adopted by the General Assembly of the United Nations on 17 December, 1979. The Convention on the Protection and Punishment of Crimes against Internationally Protected Persons was adopted by the General Assembly of the United Nations on 14 December, 1973. The Convention on the Suppression of Terrorism Bombing was adopted by the General Assembly of the United Nations on 15 December, 1997. Ireland signed the latter Convention on 29 May, 1998 but the two other Conventions are no longer open for signature but may be acceded to following enactment of the Bill. The provisions of this Part will therefore allow Ireland to accede to or ratify these Conventions.

*Section 8 (Interpretation)*

This is a definition section, the main purpose of which is to identify the relevant Conventions.

*Section 9 (Offence of Hostage Taking)*

This section sets out the definition of the offence of hostage-taking.

*Subsection (1)* provides that a person is guilty of the offence of hostage-taking if he or she, in or outside the State, seizes or detains another person, and threatens to kill, injure or continue to detain the hostage in order to compel a state, an international intergovernmental organisation, a person or a group of persons to do, or abstain from doing, any act. *Subsection (2)* makes it an offence to attempt to commit the offence of hostage-taking.

While *subsection (1)* provides that the offence can be committed inside or outside the State, this subsection and *subsection (2)* are subject to *subsections (3) and (4)* which provide for the circumstances in which the offences can be committed outside the State.

*Subsection (3)* provides that subsections (1) and (2) apply to an act committed outside the State if—

- (a) the act is committed on board an Irish ship,
- (b) the act is committed on an aircraft registered in the State,
- (c) the act is committed by a citizen of Ireland or by a stateless person habitually resident in the State,
- (d) the act is committed in order to compel the State to do or abstain from doing an act, or
- (e) the hostage is a citizen of Ireland.

*Subsection (4)* provides that the acts described in *subsections (1) and (2)* will also be offences when committed outside the State in circumstances other than those referred to in *subsection (3)*, but in those cases the taking of proceedings is made subject to *section 45*

of the Bill. *Sections 45(2) and 45(3)* place restrictions on the taking of proceedings in respect of those offences consistent with the requirement in the Convention to take jurisdiction where a request for extradition is made and refused.

*Subsection (5)* provides that *subsections (1) and (2)* will not apply in respect of any act of hostage-taking that constitutes a grave breach of the Geneva Conventions of 1949 and the Additional Protocols to those Conventions, as referred to in the Geneva Conventions Acts, 1962 and 1998.

*Subsection (6)* provides that a person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

*Section 10 (Offence of terrorist bombing)*

This section creates the offences related to terrorist bombing.

*Subsection (1)* provides that a person is guilty of an offence if he or she, in or outside the State, unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility, with intent to cause death or serious bodily injury.

*Subsection (2)* provides that a person is guilty of an offence if he or she, in or outside the State,

- (a) unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place, facility or system referred to in any paragraph of subsection (1) with intent to cause extensive destruction to that place, facility or system, and
- (b) the destruction results in or is likely to result in major economic loss.

*Subsection (3)* provides that a person who attempts to commit an offence under subsection (1) or (2) is guilty of an offence.

While in *subsections (1) and (2)* the offence is stated to occur whether it is committed in or outside the State, these subsections as well as *subsection (3)* are subject to *subsections (4) and (5)* which provide for the circumstances in which the offences can be committed outside the State.

*Subsection (4)* provides that the behaviour described in *subsections (1) to (3)* is an offence if committed outside the State if the act is committed—

- (a) on board an Irish ship,
- (b) on an aircraft registered in or operated by the State,
- (c) by a citizen of Ireland or by a stateless person habitually resident in the State,
- (d) against a citizen of Ireland,
- (e) against a state or government facility of the State abroad, including an embassy or other diplomatic or consular premises of the State, or
- (f) in order to compel the State to do or abstain from doing an act.

*Subsection (5)* provides that the acts described in *subsections (1) to (3)* will also be offences when committed outside the State in circumstances other than those referred to in *subsection (4)*, but in those cases the taking of proceedings is made subject to *section 45* of the Bill. *Sections 45(2)* and *45(3)* place restrictions on the taking of proceedings in respect of those offences consistent with the requirement in the Convention to take jurisdiction where a request for extradition is made and refused.

*Subsection (6)* provides that *subsections (1) to (3)* do not apply in respect of the activities of armed forces during an armed conflict insofar as those activities are governed by international humanitarian law, or the activities of military forces of a state in the exercise of their official duties insofar as those activities are governed by other rules of international law.

*Subsection (7)* provides that a person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life. *Subsection (8)* provides that a word or expression that is used in the section has the same meaning as it has in the Terrorist Bombing Convention. *Subsection (9)* defines explosive or other lethal device which is in keeping with the definition in the Convention.

#### *Section 11 (Offences against internationally protected persons)*

*Section 11* deals with offences against the person, liberty or property of internationally protected persons.

*Subsection (1)(a)* provides that an act done outside the State against an internationally protected person, that, if done in the State, would constitute one of the offences specified in *Part 1* of *Schedule 6*, is an offence punishable as if done in the State. *Subsection 1(b)* provides that an act done outside the State in connection with an attack on premises or vehicles of internationally protected persons that, if done in the State, would constitute an offence specified in *Part 2* of *Schedule 6*, is an offence punishable as if done in the State.

*Subsection (2)* provides that it is an offence to attempt or threaten to commit an offence under *subsection (1)*.

While in *subsection (1)* the offence is stated to occur when it is committed outside the State, *subsections (1) and (2)* are subject to *subsections (3) and (4)* which provide for the circumstances in which the offences can be committed outside the State.

*Subsection (3)* provides that *subsections (1) and (2)* apply to an act committed outside the State if the act is committed—

- (a) on board an Irish ship,
- (b) on an aircraft registered in the State,
- (c) by a citizen of Ireland, or
- (d) against a person who enjoys the status of an internationally protected person by virtue of functions exercised on behalf of the State.

*Subsection (4)* provides that the acts described in *subsections (1) and (2)* will also be offences when committed outside the State in circumstances other than those referred to in *subsection (3)*, but in

those cases the taking of proceedings is made subject to *section 45* of the Bill. *Sections 45(2)* and *45(3)* place restrictions on the taking of proceedings in respect of those offences consistent with the requirement in the Convention to take jurisdiction where a request for extradition is made and refused.

*Subsection (5)* provides that a person guilty of an offence under this section is liable on conviction to the same penalty applicable if the offence had been committed in the State, but for the offence of threatening to commit an offence the sanction is imprisonment for a term not exceeding 10 years.

*Subsection (6)* provides that a word or expression that is used in this section has the same meaning as in the Internationally Protected Persons Convention, subject to *subsection (7)*.

*Subsection (7)* provides for the definition of internationally protected person.

#### *PART 4 (Sections 12-44)*

##### SUPPRESSION OF FINANCING OF TERRORISM

###### *Introduction*

The purpose of this Part is primarily to provide in Irish law the measures necessary to enable ratification by Ireland of the 1999 United Nations Convention for the Suppression of the Financing of Terrorism (the Convention). It does this by creating a new offence of financing terrorism and inserting into the Criminal Justice Act, 1994, (the 1994 Act) a scheme for freezing and confiscating funds used or allocated for use in connection with the offence of financing terrorism, or funds that are the proceeds of such an offence. This Part also introduces a procedure based on the Proceeds of Crime Act, 1996, (the 1996 Act) for the freezing, restraint or confiscation of funds, by means of a court order, in the possession or control of a person that are being used or may be intended for use in committing, or facilitating the commission of, a terrorist offence or an offence of financing terrorism. This procedure is provided for in sections 14 to 20 and the scheme based on the 1994 Act is provided for at sections 21 to 43.

###### *Section 12 (Interpretation of Part 4)*

This defines terms for the purpose of Part 4. The term “funds” is similar to the definition in Article 1 of the Convention.

###### *Section 13 (Offence of financing terrorism)*

*Subsection (1)* creates an offence of financing terrorism, based on the offence defined in Article 2.1 of the Convention. It provides that a person is guilty of the offence of financing terrorism if he or she, in or outside the State, directly or indirectly, unlawfully and wilfully, provides, collects or receives funds intending that they be used or knowing that they will be used to carry out an act that is an offence under Irish law and within the scope of a treaty listed in the annex to the Convention, or any other act that is intended to cause serious bodily injury to a civilian or other person not taking part in an armed conflict, the purpose of which is to intimidate a population or to compel a government or an international organisation to do or abstain from doing any act.



The Conventions listed in the annex to the Convention are the:

Convention for the Suppression of Unlawful Seizure of Aircraft;

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;

International Convention against the Taking of Hostages;

Convention on the Physical Protection of Nuclear Material;

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf;

International Convention for the Suppression of Terrorist Bombings.

*Subsection (2)* extends the scope of the offence under *subsection (1)* to attempts to commit the offence.

*Subsection (3)* creates a further offence of financing terrorism so as to include funds that are intended for use, or knowing that they will be used, for the benefit or purposes of a terrorist group, as defined in section 4 of this Bill, or to carry out a terrorist act (other than one referred to in *subsection (1)*) that is an offence under *section 6*. This is aimed at incorporating the terrorist offences created in *Part 2* of this Bill as offences for which it will be an offence to finance and is additional to the requirements of the Convention.

*Subsection (4)* extends the scope of the offence in *subsection (3)* to attempts to commit the offence.

*Subsection (5)* ensures that an offence is committed under *subsections (1)* or *(3)* whether or not the funds are actually used to carry out a terrorist act.

*Subsections (6)* and *(7)* provide for the circumstances in which acts committed outside the State will be offences. In keeping with the Convention, *subsections (1)* and *(2)* apply to acts committed outside the State if the act—

(a) is committed on board an Irish ship,

(b) is committed on an aircraft registered in or operated by the State,

(c) is committed by a citizen of Ireland or by a stateless person habitually resident in the State,

- (d) is directed towards or results in the carrying out of an act referred to in *subsection (1)* in the State or against a citizen of Ireland,
- (e) is directed towards or results in the carrying out of an act referred to in *subsection (1)* against a State or Government facility abroad, including an embassy or other diplomatic or consular premises of the State, or
- (f) is directed towards or results in the carrying out of an act referred to in *subsection (1)* in an attempt to compel the State to do or abstain from doing any act.

*Subsection (7)* provides that the acts described in *subsections (1)* and *(2)* will also be offences when committed outside the State in circumstances other than those referred to in *subsection (6)*, but in those cases the taking of proceedings is made subject to *section 45* of the Bill. *Sections 45(2)* and *45(3)* place restrictions on the taking of proceedings in respect of those offences consistent with the requirement in the Convention to take jurisdiction where a request for extradition is made and refused.

*Subsection (8)* establishes the penalty structure for the offences of financing terrorism. The penalties range from the maximum that can be imposed by the District Court for minor manifestations of the offence to an unlimited fine and/or up to 20 years imprisonment on conviction on indictment.

#### *Section 14 (Interim order freezing certain funds)*

This section mirrors section 2 of the 1996 Act. Where the High Court is satisfied, on foot of an *ex parte* application to it by a member of the Garda Síochána of at least Chief Superintendent rank, that a person possesses or controls funds that are being used or may be intended for use in committing, or facilitating the commission of, a terrorist offence or a terrorist financing offence, it may prohibit a person from disposing of the funds for a period not exceeding 40 days, as may be specified by the Court, or diminishing their value over that period. The order may contain whatever provisions, conditions and restrictions are deemed to be necessary or expedient by the Court.

#### *Section 15 (Interlocutory order)*

This section mirrors section 3 of the 1996 Act. Where the High Court is satisfied, on foot of an application by a member of the Garda Síochána of at least Chief Superintendent rank, that a person possesses or controls funds that were being used or may be intended for use in committing or facilitating the commission of a terrorist offence or a terrorist financing offence, it shall make an order prohibiting a person from disposing of the funds or diminishing their value. The order cannot be made if the Court is satisfied that to do so would result in a serious risk of injustice and, when made, it may contain whatever provisions, conditions and restrictions are deemed necessary or expedient by the Court.

#### *Section 16 (Disposal order)*

This section mirrors section 4 of the 1996 Act. It becomes relevant when an interlocutory order under *section 15* of this Bill has been in operation for at least 7 years in respect of funds. After that time, the High Court, on application by a member of the Garda Síochána of at least Chief Superintendent rank, may by order direct that all or part of the funds be transferred to either the Minister for Finance or some other person determined by the Court. Such transfer can be subject to such terms and conditions as the Court may specify. The

Court will make a disposal order unless it is satisfied that the funds were not used nor intended for use in committing or facilitating a terrorist offence or a terrorist financing offence or that there would be a serious risk of injustice.

*Section 17 (Ancillary orders and provision in relation to certain profits or gains, etc.)*

This section mirrors section 5 of the 1996 Act. It empowers the High Court, on application by a member of the Garda Síochána not below the rank of Chief Superintendent, to make orders that will enable an interim or interlocutory order to have full effect. It also provides that any order under *section 14, 15 or 16* of this Bill can be expressed to apply to any profit, gain or interest, any dividend or other payments or any other funds.

*Section 18 (Evidence and proceedings relating to interim and other orders)*

This section largely mirrors section 8 of the 1996 Act. It provides that a statement by a member of the Garda Síochána not below the rank of Chief Superintendent that he or she believes that the funds in respect of which an interim or interlocutory order is sought are in the possession or control of the respondent and are used or intended for use in committing or facilitating a terrorist offence or a terrorist financing offence is a statement of evidence in the matter. The High Court must be satisfied that there are reasonable grounds for that belief.

The standard of proof required to determine any question arising under *sections 14, 15, 16, 17, 19 and 20* is that applicable to civil proceedings (as in the 1996 Act).

*Section 19 (Compensation)*

This section mirrors section 16 of the 1996 Act. It sets out the circumstances in which an order under *sections 14, 15 or 16* can lead to the payment of compensation to a person by the Minister for Finance as the Court considers just in respect of any loss incurred by the person concerned.

*Section 20 (Application of certain provisions of Act of 1996)*

Rather than unnecessarily repeat sections 6, 7 and 9 to 15 of the 1996 Act, this section provides that they will apply, with necessary modifications, to an interim, interlocutory or disposal order made under this Part of this Bill.

*Section 21 (Amendment of section 3 of Act of 1994)*

This section extends the scope of some definitions in the interpretation section of the 1994 Act and introduces some new definitions. This is necessary as areas of the 1994 Act are being extended to include within its parameters an offence of financing terrorism (at present the 1994 Act is largely concerned with drug trafficking offences and offences other than drug trafficking offences which would not be terrorism financing offences). The confiscation and restraint provisions relating to these other offences do not at present comprehend offences of financing terrorism.

*Section 22 (Amendment of Part II of Act of 1994 — new sections 8A to 8E)*

This section inserts five new sections (8A to 8E) after section 8 of the 1994 Act. These new sections give effect in Irish law to the relevant provisions of Article 8 of the Convention.

*Section 8A: Confiscation orders relating to offence of financing terrorism.*

This section empowers the courts to make confiscation orders against persons convicted of an offence of financing terrorism who hold funds subject to confiscation. “*Funds subject to confiscation*” is defined as “funds used or allocated for use in connection with an offence of financing terrorism or funds that are the proceeds of such an offence.” The procedures provided in this section are similar to those in section 4 of the 1994 Act relating to the confiscation of the benefits of drug trafficking.

*Section 8B: Assessing the value of funds subject to confiscation.*

This section makes provision for assessing the value of a person’s funds subject to confiscation. A court can make certain assumptions (set out in *subsection (2)*) for the purpose of assessing the value of funds subject to confiscation. The onus of proving that the assumptions are inapplicable is placed on the defendant. The section is similar to section 5 of the 1994 Act concerning the value of a person’s proceeds from drug trafficking.

*Section 8C: Amount to be recovered under a confiscation order made under section 8A.*

This section provides that the amount to be recovered under a confiscation order shall be equal to the amount assessed by the court to be the value of the defendant’s funds subject to confiscation. It is similar to section 6 of the 1994 Act relating to the value of the proceeds of drug trafficking.

*Section 8D: Re-assessment of whether defendant holds funds subject to confiscation.*

This section provides a mechanism for re-assessing whether a defendant holds funds subject to confiscation in cases where a court has previously determined that he or she did not hold such funds. It can arise where new evidence, not considered by the court in its original determination, is provided in an application to the court by the Director of Public Prosecutions. No such application will be determined by the court if it is made more than 6 years after the defendant was convicted. The section is similar to section 7 of the 1994 Act concerning the re-assessment of whether a defendant has benefited from drug trafficking.

*Section 8E: Revised assessment of funds subject to confiscation*

This section allows the Director of Public Prosecutions to make, or cause to be made, an application to the court when of the opinion that the real value of the funds subject to confiscation is greater than that originally assessed by the court to be the amount to be recovered under a confiscation order. The court, if satisfied that the real value is greater than the assessed value, can make a fresh determination of the amount to be recovered. The section is similar to section 8 of the 1994 Act concerning revised assessments of the proceeds of drug trafficking.

*Section 23 (Amendment of section 9 of Act of 1994)*

This is a technical amendment to section 9 of the 1994 Act (*Confiscation orders: offences other than drug trafficking offences*) which will ensure that confiscation orders relating to an offence of financing terrorism are not confused with, or dealt with similarly to, confiscation orders relating generally to offences other than drug trafficking offences. The offences of financing terrorism will be separate specified offences under the relevant insertions into, and amendments to, the 1994 Act which are being made in this Bill.

*Section 24 (Amendment of section 10 of Act of 1994)*

This section inserts into section 10 of the 1994 Act (*Statements relevant to making confiscation orders*) provision for the tendering to a court by the Director of Public Prosecutions and the defendant of statements about matters relating to the making of confiscation orders which, in the case of a conviction for an offence of financing terrorism, shows that the defendant holds funds subject to confiscation. At present, section 10 of the 1994 Act is concerned with matters relevant to the determination of whether, in the case of a conviction for a drug trafficking offence, the defendant has benefited from drug trafficking and in the case of a conviction for an offence other than drug trafficking, he or she has benefited from that offence and has obtained property as a result of or in connection with the commission of that offence and the benefit is the value so obtained. The statements under this section will narrow down the areas of dispute between the parties and thus assist the court in its task of assessing whether a confiscation order should be made against the defendant and, if so, the amount to be recovered under the order.

*Section 25 (Amendment of section 11 of Act of 1994)*

Section 11 of the 1994 Act (*Provision of information by defendant*) allows a court to order a defendant to provide whatever information it requires in connection with a confiscation hearing in the case of drug trafficking and other offences. This amendment ensures that that provision also applies to confiscation hearings relating to an offence of financing terrorism.

*Section 26 (Amendment of section 12 of Act of 1994)*

Section 12 of the 1994 Act (*Supplementary provisions concerning confiscation orders*) deals with matters relating to the making of confiscation orders which are not dealt with in other sections. Subsection (1) of section 12 of the 1994 Act enables the court in deciding whether to make a confiscation order to take account of the possibility that victims of the offender may have civil claims against the offender in respect of the conduct constituting the offence. That provision does not apply to non-drug trafficking confiscation orders and the amendment to subsection (1) will ensure that it will also not apply to financing of terrorism confiscation orders.

Subsection (4) of section 12 of the 1994 Act provides that where the court is satisfied as to any matter relevant to determining the amount that might be realised from the property available for confiscation, it may issue a certificate setting out its opinion. The effect of the amendment to subsection (4) is to extend that provision in the case of a conviction for an offence of financing terrorism to the value of the funds subject to confiscation.

*Section 27 (Amendment of section 13 of Act of 1994)*

Section 13 of the 1994 Act (*Power of High Court where defendant has died or is absent*) provides for the making of confiscation orders by the High Court where an offender dies or absconds. The amendments to section 13 will ensure that the power of the High Court in that respect will include the making of a confiscation order against a defendant in the case of a conviction for an offence of financing terrorism.

*Section 28 (Amendment of section 17 of Act of 1994)*

Section 17 of the 1994 Act (*Variation of confiscation orders made by virtue of section 13*) applies in cases where the High Court made a confiscation order where the defendant has absconded and has later ceased to be an absconder. This amendment extends the provisions of section 17 of the 1994 Act to include funds subject to confiscation in the case of an offence of financing terrorism. The effect

of this is that if the defendant or Director of Public Prosecutions applies to the High Court and the High Court is satisfied of certain matters, it may make a fresh determination of the value of the defendant's funds subject to confiscation.

*Section 29 (Amendment of section 18 of Act of 1994)*

In amending section 18 of the 1994 Act (*Increase in value of realisable property*), this section is concerned with the situation where, in the case of an offence of financing terrorism, confiscation is ordered for an amount which is less than the amount assessed to be the value of the person's funds subject to confiscation, and it subsequently comes to light that a greater amount is available to satisfy a confiscation order.

*Section 30 (Amendment of section 23 of Act of 1994)*

Section 23 of the 1994 Act (*Cases in which restraint orders may be made*) defines the circumstances in which the High Court may make restraint orders under section 24 of that Act with the intention of ensuring that funds will be available to satisfy any confiscation order that might be imposed under section 4 (drug trafficking offences) or 9 (other offences). This amendment allows the High Court to also make restraint orders in respect of an offence of financing terrorism. The High Court may make a restraint order where proceedings have been instituted or an application has been made in respect of the defendant under section 7, 8, 8D, 8E, 13 or 18, the proceedings or application have or has not concluded and either a confiscation order has been made or it appears to the court that there are reasonable grounds for thinking that such an order may be made. The High Court may also make a restraint order where it is satisfied that proceedings are to be instituted and it appears that a confiscation order may be made in connection with this offence.

*Section 31 (Amendment of section 28 of Act of 1994)*

Section 28 of the 1994 Act (*Bankruptcy of defendant, etc.*) governs the relationship between bankruptcy proceedings and the restraint and confiscation proceedings set out in that Act, where a person who holds realisable property is adjudged bankrupt. Subsection (3) of section 28 is concerned with the situation where a person who is adjudicated bankrupt has made a gift caught by the Act. No decision whether a gift is void can be made under sections 57, 58 or 59 of the Bankruptcy Act, 1988 when, *inter alia*, an application has been made in respect of the defendant under sections 7, 8, 13 or 18 of the 1994 Act and has not been concluded. The effect of this amendment is to add to those provisions applications under section 8D (Re-assessment of whether defendant holds funds subject to confiscation) and 8E (Revised assessment of funds subject to confiscation). This amendment ensures that funds subject to confiscation for an offence of financing terrorism are fully comprehended by section 28.

*Section 32 (Amendment of section 32 of Act of 1994)*

Section 32 of the 1994 Act (*Measures to be taken to prevent money laundering*) imposes obligations on banks and financial bodies ("designated bodies") to take certain measures (e.g., identification of customers) to prevent and assist in the detection of money laundering. Subsection 9A of section 32 of the 1994 Act, inserted by section 14 of the Criminal Justice (Miscellaneous Provisions) Act, 1997, obliges a designated body to adopt measures to prevent and detect the commission of an offence under section 31 (*Money laundering etc.*) of the 1994 Act. This amendment to subsection 9A obliges a designated body to also adopt measures to prevent and detect the commission of an offence of financing terrorism. The amendment to subsection 9B of section 32 of the 1994 Act (also inserted by the 1997 Act) makes a similar change in relation to the

training of directors, other officers and employees of designated bodies for the purpose of enabling them to identify transactions which may relate to the commission of an offence of financing terrorism.

*Section 33 (Amendment of section 38 of Act of 1994)*

Section 38 of the 1994 Act (*Seizure and detention*) empowers a member of the Garda Síochána or an officer of Customs and Excise to seize and detain cash which is being imported or exported into or out of the State if there are grounds for suspecting that it represents a person's proceeds of, or is intended by a person for use in, drug trafficking. This amendment extends that power to cash which represents any person's proceeds of, or is intended by any person for use in connection with, an offence of financing terrorism.

*Section 34 (Amendment of section 39 of Act of 1994)*

Section 39 of the 1994 Act (*Forfeiture of cash seized under section 38*) allows a judge of the Circuit Court to order the forfeiture of any cash seized under section 38 of that Act. This amendment to section 39 ensures that cash seized under the amended section 38 which relates to an offence of financing terrorism can also be subject to a forfeiture order.

*Section 35 (Amendment of section 46 of Act of 1994)*

Section 46 of the 1994 Act (*External confiscation orders, etc.*) provides a procedure for the enforcement, by means of orders under Irish law, of orders made by the courts of designated countries for the confiscation of property which is liable to confiscation in accordance with orders made by the court in the other country for the purpose of the recovery of payments or other rewards received as a result of or in connection with drug trafficking or its value. Similarly, it provides for the recovery of property obtained as a result of or in connection with conduct corresponding to an offence for which a confiscation order could be made under section 9 of that Act or the value of such property. This amendment to section 46 of the 1994 Act extends that procedure to the recovery of funds corresponding to funds subject to confiscation under this Act.

*Section 36 (Amendment of section 47 of Act of 1994)*

Section 47 of the 1994 Act (*External forfeiture orders, etc.*) provides a procedure for the enforcement, by means of orders under Irish law, of orders made by the courts of designated countries for the forfeiture of property in respect of which an offence to which the section applies has been committed or which was used or intended to be used in connection with the offence. These orders are known as "external forfeiture orders". The amendment to this section adds an offence of financing terrorism to the offences to which section 47 of the 1994 Act applies.

*Section 37 (Amendment of section 55 of Act of 1994)*

Section 55 of the 1994 Act (*Search etc. for material relevant to investigation outside State*) provides that in designated countries the provisions of Irish law authorising a judge of the District Court to issue a search warrant for obtaining evidence of an offence shall apply so as to authorise the issue of a similar warrant for obtaining evidence of a similar offence under the law of the designated country. The purpose of this amendment is to include in section 55 of the 1994 Act references to an offence of financing terrorism — that section already covers drug trafficking and offences in respect of which a confiscation order can be made under section 9 of the 1994 Act.

*Section 38 (Amendment of section 57 of Act of 1994)*

This amendment to section 57 of the 1994 Act (*Disclosure of information*) extends the obligation of persons or bodies (designated

bodies) under section 32 of the 1994 Act to report any suspicion to the Garda Síochána of an offence of financing terrorism being committed or having been committed in relation to the business of the person or body. A person charged in law with the supervision of such a person or body is likewise obliged to report any such suspicion. Similar obligations already apply, under section 57 of the 1994 Act, to a money laundering etc., offence.

*Section 39 (Amendment of section 58 of Act of 1994)*

This section amends subsection (1) of section 58 of the Act of 1994 (*Offences of prejudicing investigation*) so that it will be an offence for a person who knows or suspects that an order in relation to an investigation into whether a person holds funds subject to confiscation has been made or applied for, or a search warrant has been issued, to make any disclosure which is likely to prejudice the investigation. Section 58 already makes that provision in relation to drug trafficking and other offences in respect of which a confiscation order can be made.

*Section 40 (Amendment of section 61 of Act of 1994)*

Section 61 of the 1994 Act (*Forfeiture orders*) empowers a court to order the forfeiture of property which is used or intended for use in the commission of a crime or is unlawfully in a person's possession. Section 17 of the Offences against the State (Amendment) Act, 1998 inserted a new subsection (1A) into section 61 of the 1994 Act. It states that where a person has been convicted of one of the offences referred to in the section, including explosive substances and firearms offences, and a forfeiture order may be made in the case of that person, the court shall make the forfeiture order unless it is satisfied that there would be a serious risk of injustice if it made the order. The purpose of this amendment is to add terrorist offences under section 6 of this Act to the offences listed in the above mentioned subsection (1A).

*Section 41 (Amendment of section 63 of Act of 1994)*

The purpose of section 63 of the 1994 Act (*Order to make material available*) is to allow the Garda Síochána to apply to the District Court, for the purpose of an investigation into drug trafficking, a money laundering offence or an offence in respect of which a confiscation order might be made, for an order for any relevant material or access to it. The purpose of this amendment is to add the commission of an offence of financing terrorism and whether a person holds funds subject to confiscation to the offences for which a member of the Garda Síochána may apply to a judge of the District Court for the purpose of such an investigation.

*Section 42 (Amendment of section 64 of Act of 1994)*

Section 64 of the 1994 Act (*Authority for search*) enables a member of the Garda Síochána to apply to the District Court for a search warrant in connection with investigations into drug trafficking or an offence under section 31 of the 1994 Act (*Money laundering etc.*) or an investigation into whether a person has benefited from drug trafficking or an offence in respect of which a confiscation order can be made under section 9 of that Act. The effect of this amendment is to add to those offences for which a search warrant may be applied investigations into the commission of an offence of financing terrorism and whether a person holds funds subject to confiscation.

*Section 43 (Amendment of section 65 of Act of 1994)*

Section 65 of the 1994 Act (*Compensation*) empowers the High Court to order compensation to be paid to a person in circumstances where the person's property is affected by an order of restraint or realisation under that Act and the proceedings to which those orders



relate do not result in his or her conviction or the conviction is quashed. The purpose of this amendment is to add an offence of financing terrorism to the offences in respect of which compensation can be paid in such circumstances.

*Section 44 (Power to make regulations)*

This section empowers the Minister for Finance to make regulations directed to freezing terrorist funds which will enable breach of the regulations to be an indictable offence. At present, breach of such regulations can only be tried summarily. The regulations will enable acts adopted by the institutions of the European Communities which, in the opinion of the Minister for Finance, are for the purpose of, or will contribute to, combating terrorism through the adoption of specific restrictive measures, directed at persons, groups or entities, for the identification, detection, freezing or seizure of their assets of any kind, to have full effect.

*PART 5 (Sections 45-49)*

MISCELLANEOUS MATTERS

*Introduction*

This Part makes provision for a number of matters relating to proceedings in connection with offences under the Bill, including provision for offences committed outside the State, evidentiary matters and liability for offences by bodies corporate.

*Section 45 (Proceedings relating to offences committed outside the State)*

*Subsection (1)* provides that proceedings for an offence under sections 6, 9, 10, 11 or 13(1) or (2) committed outside the State can be taken anywhere in the State and may be treated as if the offence had been committed in that place.

*Subsection (2)* provides that the consent of the Director of Public Prosecutions is required for a prosecution for those offences, subject to the usual qualification permitting the exercise of the ordinary powers of arrest, charge and remand in appropriate cases. *Subsection (3)* provides for the circumstances in which the Director may take or consent to the taking of further proceedings in relation to offences committed outside the State, under the provisions specified in *subsection (1)*, in the circumstances referred to in sections 6(3), 9(4), 10(5), 11(4) or 13(7). The circumstances concerned relate to where a request for extradition under Part II of the Extradition Act, 1965, has been made and has been refused or where a warrant for the arrest of the person has been issued by a judicial authority in a place to which Part III of the Extradition Act, 1965, applies and final determination has been made that the person should not be extradited or where because of special circumstances (including the likelihood of the refusal of extradition) it is expedient that proceedings be taken against the person.

*Subsection (4)* clarifies the relevant Convention or provisions of the relevant Convention to which references in subsection (3) relate.

*Section 46 (Evidence in proceedings under the Act)*

*Section 46* provides for evidentiary matters relating to certain terms and circumstances provided for in the Bill and allows for evidence by certificate.

*Section 47 (Liability for offences by bodies corporate)*

This is a standard provision which enables persons working in a body corporate as well as the body corporate itself to be proceeded against for an offence under the Bill.

*Section 48 (Double jeopardy)*

Because parties to the Conventions and the Framework Decision are required to take extraterritorial jurisdiction over offences, prosecutions for the same act would be possible in a number of countries. This section takes account of that by providing that where a person has been acquitted or convicted outside the State of an offence, then the person shall not be proceeded against for an offence under the Bill in respect of the act constituting the first-mentioned offence.

*Section 49 (Expenses)*

This is a standard provision providing for the payment of any expenses arising under the Bill to be paid out of money provided by the Oireachtas.

*PART 6 (Sections 50-60)*

AMENDMENT OF OTHER ACTS

*Introduction*

This Part makes provision for certain amendments to the Offences against the State Acts, 1939-1998, as well as amendments to certain other Acts arising from changes to the law being made in earlier Parts of the Bill.

This Part will also make provision for a new procedure in connection with the existing provision in section 22 of the Offences against the State Act, 1939, (the 1939 Act) providing for the forfeiture of the property of unlawful organisations in respect of which a suppression order has been made. Section 22 of the 1939 Act provides that all such property shall become and be forfeited to and vested in the Minister for Justice, Equality and Law Reform. The Offences against the State (Amendment) Act, 1985, (the 1985 Act) makes provision for a dedicated procedure whereby moneys held in a bank on behalf of an unlawful organisation may be recovered by the Minister. This Part will supplement the 1985 Act by providing for a procedure whereby property, other than moneys held in a bank, may be recovered and is based in part on the 1985 Act and in part on the Proceeds of Crime Act, 1996, (the 1996 Act).

*Section 50 (Amendment of Section 21 of Act of 1939)*

*Section 50* will increase the maximum penalty for membership of an unlawful organisation by amending section 21 of the 1939 Act. The section provides that a person found guilty of this offence will be liable to a fine of up to €3,000 and/or imprisonment for up to 12 months in the case of a summary conviction, and an unlimited fine and/or imprisonment for up to 8 years in the case of a person found guilty on conviction on indictment.

*Section 51 (Amendment of Act of 1939 — new section 21A)*

*Section 51* will create a new offence by inserting a new section (section 21A) into the 1939 Act. It provides that it will be an offence to knowingly render assistance to an unlawful organisation in the performance or furtherance of an unlawful object. A person found guilty of this new offence will be liable to the same penalties as those provided in the preceding section in the case of membership.

*Section 52 (Amendment of section 22 of Act of 1939)*

Section 52 amends section 22 of the 1939 Act to update and extend the definition of property in that section in line with the provision being made in *section 21* of the Bill for the purposes of the Criminal Justice Act, 1994.

*Section 53 (Amendment of Act of 1939 — new sections 22A to 22I)*

This section inserts nine new sections (22A to 22I) after section 22 of the 1939 Act and provides for a new procedure directed to the recovery of the property of unlawful organisations, other than moneys held in a bank, which stands forfeited to the Minister by virtue of section 22. These new sections provide as follows:—

*Section 22A: Definitions for, and operation of, sections 22B to 22I*

This section provides for certain definitions used for the purposes of the new procedure. The “Minister” is defined as the Minister for Justice, Equality and Law Reform.

*Section 22B: Interim order respecting specified property*

This section, which is based on section 2 of the 1985 Act and section 2 of the 1996 Act, makes provision whereby the High Court may, on the *ex parte* application of the Minister, make an interim order in respect of specified property which the Minister is of the opinion is the property of an unlawful organisation and is forfeited and vested in the Minister by virtue of section 22 of the 1939 Act. Provision is also made for an interim order to be discharged on the application of any person claiming ownership of the property where the court is satisfied that the property is not the property of an unlawful organisation and for the interim order to lapse twelve months after it is made unless an application for a disposal order in respect of the property is brought during that period.

*Section 22C: Disposal order respecting specified property*

This section, which is based on section 4 of the 1996 Act, provides for the making of a disposal order by the High Court which authorises the Minister to dispose of the property which is the subject of the interim order on the application of the Minister unless the High Court is satisfied that the property concerned is not the property of an unlawful organisation. Provision is made for notice of any application for a disposal order to be given to any person named in the interim order and any other persons whom the court may direct, and for any person claiming ownership of the property to be given an opportunity to be heard before an order is made.

*Section 22D: Ancillary orders and provision in relation to certain profits or gains, etc.*

This section, which is based on section 5 of the 1996 Act, makes provision for the making of ancillary orders to enable an interim order to have full effect.

*Section 22E: Evidence*

This section, which is based on section 5 of the 1985 Act, provides that production in court in any proceedings of a document signed by the Minister and stating that property specified in the document would, but for the operation of section 22, have been the property of an unlawful organisation, shall be evidence of that fact unless the contrary is shown.

*Section 22F: Seizure of certain property*

This section, which is based on section 15 of the 1996 Act, authorises members of the Gardaí and officers of customs and excise to seize property which is the subject of an interim or disposal order in order to prevent its removal from the State.

*Section 22G: Compensation*

This section, which is based on section 16 of the 1996 Act, provides for the circumstances in which a payment of compensation in respect of any loss incurred by a person may be ordered by the High Court arising from the making of an interim or disposal order.

*Section 22H: Application of certain provisions of Act of 1996*

This section makes provision for the application of sections 6, 7 and 9 to 13 of the 1996 Act with necessary adaptations for the purposes of interim and disposal orders made under this Part.

*Section 22I: Immunity from proceedings*

This section, which is based on section 14 of the 1996 Act, provides for immunity from proceedings for persons arising from their compliance with an interim or disposal order.

*Section 54 (Amendment of section 2 of Act of 1985)*

*Section 54* amends section 2 of the 1985 Act.

The effect of the amendment will be to provide that the powers under section 2 of the 1985 Act come into operation on the enactment of the Bill.

*Section 55 (Amendment of section 8 of Act of 1985)*

*Section 55* will amend section 8 of the 1985 Act to make clear that property, other than moneys, held by a person for the benefit or use of an unlawful organisation is also deemed to be the property of that organisation.

*Section 56 (Amendment of Defence Act, 1954)*

This section provides for the restatement and amendment of section 169 and the amendment of section 192 of the Defence Act, 1954. Section 169, as amended by the Criminal Justice Act, 1990, deals with the trial of civil offences by court-martial. Section 169(3) provides that where a person, charged under the section, is convicted by court-martial of certain offences (e.g. genocide) that person will be punished accordingly. *Paragraph (a)* of *section 56* restates and amends section 169(3) to provide that where a person is convicted by court-martial of an offence under the Bill, the person will be liable to the penalty provided for that offence on conviction by a criminal court.

Section 192 of the Defence Act, 1954, deals with the jurisdiction of courts-martial. Subsection (2) provides that a limited court-martial will not have jurisdiction to try certain offences (e.g. treason and murder) and subsection (3) provides that a court-martial shall not have jurisdiction to try any person subject to military law for certain offences (e.g. treason, murder, manslaughter, rape and genocide) unless the offence was committed while the person was on active service. *Paragraphs (b)* and *(c)* of *section 56* will provide that the offences under the Bill will also be excluded from the jurisdiction of courts-martial in similar circumstances.

*Section 57 (Amendment of Extradition Act, 1965)*

The purpose of *section 57* is to meet the requirements imposed by Article 14 of the International Convention for the Suppression of

the Financing of Terrorism, 1999 and Article 11 of the International Convention for the Suppression of Terrorist Bombings, 1997. *Section 57* will amend section 3(1) of the Extradition Act, 1965, to provide that offences under *section 10* and *section 13* of the Bill cannot be regarded as political offences for the purposes of extradition.

*Section 58 (Amendment of Extradition (Amendment) Act, 1994)*

This section will amend the First Schedule to the Extradition (Amendment) Act, 1994, in order to include offences under *sections 6(1)(a), 9* and *11* of the Bill. This will mean that these offences cannot be regarded as political offences for the purpose of extradition between parties to the European Convention on the Suppression of Terrorism.

*Section 59 (Amendment of Criminal Procedure Act, 1967)*

*Section 59* amends the Criminal Procedure Act, 1967, in two respects. In effect, it provides (*paragraph (a)*) that a person charged with the offence of murder or attempted murder contrary to *sections 6* or *11* of the Bill may not, on a plea of guilty, be dealt with summarily in the District Court or sent forward for sentence and that in these cases (*paragraph (b)*) applications for bail must go to the High Court.

*Section 60 (Amendment of Bail Act, 1997)*

The Bail Act, 1997, provides that bail may be refused to a person charged with a serious offence where it is considered necessary to prevent the commission of a serious offence. Serious offences are defined by reference to the Schedule in the Act. This section provides for the offences being created by the Bill to be considered serious offences for bail purposes.

## SCHEDULES

*Schedule 1* contains the text of the European Union Council Framework Decision on Combating Terrorism, in Irish and English.

*Schedule 2* contains the specified offences for the purpose of the definitions of “terrorist activity” and “terrorist-linked activity”.

*Schedule 3* contains the text of the International Convention against the Taking of Hostages.

*Schedule 4* contains the text of the Convention on the Prevention of Crimes against Internationally Protected Persons, including Diplomatic Agents.

*Schedule 5* contains the text of the International Convention for the Suppression of Terrorist Bombings.

*Schedule 6* contains the specified offences for the purposes of Offences against Internationally Protected Persons in *section 11*.

*Schedule 7* contains the text of the International Convention for the Suppression of the Financing of Terrorism.

*An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí,  
Nollaig, 2002.*