

*[First additional list of amendments - containing substitute amendment.]*

# DÁIL ÉIREANN

---

## AN BILLE UM CHEARTAS COIRIÚIL (SCIÚRADH AIRGID AGUS MAOINIÚ SCEIMHLITHEOIREACHTA) 2009 —ROGHCHOISTE

## CRIMINAL JUSTICE (MONEY LAUNDERING AND TERRORIST FINANCING) BILL 2009 —SELECT COMMITTEE

---

*Leasuithe Breise agus Ionadacha  
Additional and Substitute Amendments*

---

### SECTION 11

**12.** In page 15, subsection (7), to delete lines 20 to 26 and substitute the following:

“(7) This section also applies to proceedings for an offence under—

(a) *section 10*, or

(b) section 7(1) of the Criminal Law Act 1997 of aiding, abetting, counselling or procuring the commission of an offence under *section 7, 8 or 9*.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

*[This amendment is in substitution for amendment No. 12 on the principal list of amendments dated 8th December, 2009.]*

### SECTION 20

**14a.** In page 18, subsection (1)(a), line 47, after “expenses” to insert the following:

“, including legal expenses in or in relation to legal proceedings”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

### SECTION 23

**14b.** In page 19, between lines 26 and 27, to insert the following subsections:

“(2) The doing of any thing in accordance with an authorisation under this section shall not be treated, for any purpose, as a breach of any requirement or restriction imposed by any other enactment or rule of law.

(3) *Subsection (2)* is without prejudice to *section 7(7)*.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

## SECTION 24

**14c.** In page 19, subsection (1), to delete lines 41 and 42 and substitute the following:

“ “credit institution” means—

- (a) a credit institution within the meaning of Article 4(1) of the Recast Banking Consolidation Directive, or
- (b) An Post in respect of any activity that it carries out, whether as principal or agent, that would render it, or a principal for whom it is an agent, a credit institution as a result of the application of *paragraph (a)*;

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

**17a.** In page 21, line 9, to delete “shares, or” and substitute “shares,”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

**17b.** In page 21, line 14, to delete “services;” and substitute the following:

“services, or

- (f) An Post, in respect of any activity it carries out, whether as principal or agent—
  - (i) that would render it, or a principal for whom it is an agent, a financial institution as a result of the application of any of the foregoing paragraphs,
  - (ii) that is listed in point 1 of Annex I to the Recast Banking Consolidation Directive, or
  - (iii) that would render it, or a principal for whom it is an agent, an investment business firm within the meaning of the Investment Intermediaries Act 1995 if section 2(6) of that Act did not apply;

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

## SECTION 25

**19a.** In page 24, between lines 31 and 32, to insert the following subsection:

“(3) A reference in this Part to a designated person does not include a reference to any of the following:

- (a) the Minister for Finance;
- (b) the Central Bank and Financial Services Authority of Ireland;
- (c) the National Treasury Management Agency.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

## SECTION 76

**46a.** In page 56, lines 13 and 14, to delete all words from and including “any” in line 13 down to and including “purposes” in line 14

[ SECTION 76 ]

and substitute “any dwelling”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

## SECTION 78

**47a.** In page 57, lines 19 to 47 and in page 58, lines 1 to 9, to delete subsections (1) to (3) and substitute the following:

“78.—(1) A judge of the District Court may issue a warrant under this section if satisfied, by information on oath of an authorised officer, that there are reasonable grounds for believing that—

- (a) documents relating to the business of a designated person that are required for the purpose of assisting the State competent authority that appointed the authorised officer under this Chapter in the performance of the authority’s functions under this Part are contained on premises, and
- (b) the premises comprise a dwelling or an authorised officer has been obstructed or otherwise prevented from entering the premises under *section 75*.

(2) A warrant under this section authorises an authorised officer, at any time or times within one month of the issue of the warrant—

- (a) to enter the premises specified in the warrant, and
- (b) to exercise the powers conferred on authorised officers by this Chapter or any of those powers that are specified in the warrant.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.