



## **SEANAD ÉIREANN**

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### **AN BILLE UM CHEARTAS COIRIÚIL (SCIÚRADH AIRGID AGUS MAOINIÚ SCEIMHLITHEOIREACHTA) 2009 CRIMINAL JUSTICE (MONEY LAUNDERING AND TERRORIST FINANCING) BILL 2009**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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

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

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### *Leasuithe Amendments*

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*\* Government amendments are  
denoted by an asterisk.*

#### SECTION 3

1. In page 11, between lines 10 and 11, to insert the following subsection:

“(4) The Minister shall within three months after the commencement of this Act publish a five-year anti-money laundering and counter-terrorist financing strategy illustrating how the objects of the Act are to be pursued, such a strategy to be evaluated and revised at the end of the five year period.”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan,  
Phil Prendergast, Ivana Bacik.*

#### SECTION 24

- \* 2. In page 20, subsection (1), between lines 6 and 7, to insert the following:

““barrister” means a practising barrister;”.

- \* 3. In page 22, subsection (1), between lines 31 and 32, to insert the following:

““occasional transaction”, in relation to a customer of a designated person, means a single transaction, or a series of transactions that are or appear to be linked to each other, where—

(a) the designated person does not have a business relationship with the customer, and

(b) the total amount of money paid by the customer in the single transaction or series is greater than €15,000;”.

- \* 4. In page 24, subsection (1), between lines 14 and 15, to insert the following:

““solicitor” means a practising solicitor;”.

#### SECTION 33

- \* 5. In page 30, subsection (1), lines 8 to 16, to delete paragraph (b) and substitute the following:

[ SECTION 33 ]

“(b) prior to carrying out an occasional transaction with, for or on behalf of the customer or assisting the customer to carry out an occasional transaction,”.

- \* 6. In page 33, subsection (8)(a), line 3, after “service” to insert “or carry out the transaction”.

SECTION 37

7. In page 38, subsection (10), between lines 14 and 15, to insert the following:

“ “cohabitant” in relation to a person means a person cohabiting with the first-mentioned person as man and wife or in an equivalent same sex relationship;”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Ivana Bacik.*

8. In page 38, subsection (10), lines 32 and 33, to delete “entrusted with a prominent public function” and substitute the following:

“elected into public office, appointed to a public board or public position of authority or otherwise entrusted with a prominent public function involving the exercise of some authority or decision-making power”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Ivana Bacik.*

SECTION 40

- \* 9. In page 40, subsection (1)(a), to delete lines 38 to 40 and substitute the following:

“(iv) who is a tax adviser, and who is also a solicitor or a member of a designated accountancy body or of the Irish Taxation Institute,”.

- \* 10. In page 40, subsection (1)(a)(vi), line 44, to delete “or of the Law Society of Ireland” and substitute “, a solicitor”.

SECTION 42

11. In page 42, subsection (1), lines 34 and 35, to delete “and the Revenue Commissioners”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Ivana Bacik.*

SECTION 55

12. In page 49, subsection (1), line 24, after “Chapter 3” to insert the following:

“, as the Minister shall prescribe by way of regulation,”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Ivana Bacik.*

- \* 13. In page 49, lines 36 to 45, to delete subsection (4) and substitute the following:

“(4) The documents and other records referred to in *subsections (1) to (3)* shall be retained by the designated person, at an office or other premises in the State, for a period of not less than 5 years after—

[ SECTION 55 ]

- (a) in the case of a record referred to in *subsection (1)(a)*, the date on which the designated person ceases to provide any service to the customer concerned or the date of the last transaction (if any) with the customer, whichever is the later,
- (b) in the case of a record referred to in *subsection (1)(b)*, the date on which the correspondent banking relationship concerned ends,
- (c) in the case of a record referred to in *subsection (3)* evidencing the carrying out of a particular transaction by the designated person with, for or on behalf of the customer (other than a record to which *paragraph (d)* applies), the date on which the particular transaction is completed or discontinued,
- (d) in the case of a record referred to in *subsection (3)* evidencing the carrying out of a particular occasional transaction comprised of a series of transactions, with, for or on behalf of a customer, the date on which the series of transactions is completed or discontinued, or
- (e) in the case of a record referred to in *subsection (3)* evidencing the carrying out of a particular service for or on behalf of the customer (other than a record to which *paragraph (c)* or *(d)* applies), the date on which the particular service is completed or discontinued.

(5) *Subsection (4)(a)* extends to any record that was required to be retained under section 32(9)(a) of the Act of 1994 immediately before the repeal of that provision by this Act.

(6) *Subsection (4)(c) to (e)* extends to any record that was required to be retained under section 32(9)(b) of the Criminal Justice Act 1994 immediately before the repeal of that provision by this Act and for that purpose—

- (a) a reference in *subsection (4)(c) to (e)* to a record referred to in *subsection (3)* includes a reference to such a record, and
- (b) a reference in *subsection (4)(d)* to an occasional transaction comprised of a series of transactions includes a reference to a series of transactions referred to in section 32(3)(b) of the Criminal Justice Act 1994.”.

\* 14. In page 50, subsection (5), line 2, to delete “(1) to (3)” and substitute “(1) to (6)#”.

[#Note: This is a reference to the subsection proposed to be inserted by amendment No. 13.]

SECTION 78

15. In page 58, subsection (1), line 45, after “oath” to insert “or affirmation”.  
—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Ivana Bacik.*

SECTION 112

16. In page 78, subsection (2), line 44, after “purpose,” to insert “as giving rise to civil or criminal liability or”.  
—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Ivana Bacik.*