



SEANAD ÉIREANN

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

LEASUITHE ARNA nDÉANAMH i gCOISTE AMENDMENTS MADE IN COMMITTEE

SEANAD ÉIREANN

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

CRIMINAL JUSTICE (MONEY LAUNDERING AND TERRORIST FINANCING) BILL 2009

*Leasuithe arna ndéanamh i gCoiste
Amendments made in Committee*

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Dáil Éireann]*

SECTION 24

1. In page 20, subsection (1), between lines 6 and 7, the following inserted:

““barrister” means a practising barrister;”.

2. In page 22, subsection (1), between lines 31 and 32, the following inserted:

““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;”.

3. In page 24, subsection (1), between lines 14 and 15, the following inserted:

““solicitor” means a practising solicitor;”.

SECTION 33

4. In page 30, subsection (1), lines 8 to 16, paragraph (b) deleted and the following substituted:

“(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,”.

5. In page 33, subsection (8)(a), line 3, after “service”, “or carry out the transaction” inserted.

SECTION 40

6. In page 40, subsection (1)(a), lines 38 to 40 deleted and the following substituted:

“(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,”.

[SECTION 40]

7. In page 40, subsection (1)(a)(vi), line 44, “or of the Law Society of Ireland” deleted and “, a solicitor” substituted.

SECTION 55

8. In page 49, lines 36 to 45, subsection (4) deleted and the following substituted:

“(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—

- (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.”.

9. In page 50, subsection (5), line 2, “(1) to (3)” deleted and “(1) to (6)#” substituted.

[#Note: This is a reference to the subsection inserted by amendment No. 8.]