



SEANAD ÉIREANN

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

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

SEANAD ÉIREANN

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

CRIMINAL JUSTICE (MONEY LAUNDERING AND TERRORIST FINANCING) BILL 2009 —REPORT

Leasuithe Amendments

**Government amendments are distinguished by an asterisk.*

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

“(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 Ivana Bacik, Dominic Hannigan, Alex White, Michael McCarthy,
Brendan Ryan, Phil Prendergast.*

- *2. In page 12, line 39, to delete “that constitutes an offence under the law of that place and”.

- *3. In page 13, to delete lines 1 to 5 and substitute the following:

“(c) the conduct constitutes an offence under the law of that place and the person is—

(i) an individual who is a citizen of Ireland or ordinarily resident in the State, or

(ii) a body corporate established under the law of the State or a company registered under the Companies Acts,”.

- *4. In page 21, line 39, after “1995” to insert the following:

“(other than a non-life insurance intermediary within the meaning of that Act)”.

- *5. In page 22, line 10, after “1995” to insert the following:

“(other than a non-life insurance intermediary within the meaning of that Act)”.

- *6. In page 22, between lines 31 and 32, to insert the following:

“ “member”, in relation to a designated accountancy body, means a member, within the meaning of Part 2 of the Companies (Auditing and Accounting) Act 2003, of a designated accountancy body;

“member”, in relation to the Irish Taxation Institute, means a person who is subject to the professional and ethical standards of the Institute, including its investigation and disciplinary procedures, but does not include a person who is admitted to its membership as a student;”.

7. In page 22, line 40, after “adviser,” to insert “insolvency practitioner,”.

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

*8. In page 24, to delete lines 5 to 14 and substitute the following:

““relevant professional adviser” means an accountant, auditor or tax adviser who is a member of a designated accountancy body or of the Irish Taxation Institute;”.

9. In page 25, line 24, after “accountant” to insert “, insolvency practitioner”.

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

*10. In page 30, to delete lines 36 to 40 and substitute the following:

“(d) prior to carrying out any service for the customer if—

(i) the person has reasonable grounds to doubt the veracity or adequacy of documents (whether or not in electronic form) or information that the person has previously obtained for the purpose of verifying the identity of the customer, whether obtained under this section or section 32 of the Criminal Justice Act 1994 (“the 1994 Act”) prior to its repeal by this Act or under any administrative arrangements that the person may have applied before section 32 of the 1994 Act operated in relation to the person, and

(ii) the person has not obtained any other documents or information that the person has reasonable grounds to believe can be relied upon to confirm the identity of the customer.”.

*11. In page 34, line 41, to delete “a treaties” and substitute “the treaties”.

*12. In page 36, to delete lines 42 to 44 and substitute the following:

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

*13. In page 37, to delete lines 4 to 16 and substitute the following:

“(4) If a designated person knows or has reasonable grounds to believe that a customer residing in a place outside the State is a politically exposed person or an immediate family member or close associate of a politically exposed person, the designated person shall—

(a) ensure that approval is obtained from any senior management of the designated person before a business relationship is established with the customer, and

(b) determine the source of wealth and of funds for the following transactions
—

(i) transactions the subject of any business relationship with the customer that are carried out with the customer or in respect of which a service is sought, or

- (ii) any occasional transaction that the designated person carries out with, for or on behalf of the customer or that the designated person assists the customer to carry out.”.

* 14. In page 37, line 17, to delete “(4)(b)” and substitute “(4)(a)”.

*15. In page 37, line 20, to delete “(4)(b)” and substitute “(4)(a)”.

*16. In page 37, to delete lines 25 to 32 and substitute the following:

“(6) If a designated person knows or has reasonable grounds to believe that a beneficial owner residing in a place outside the State, and connected with a customer or with a service sought by a customer, is a politically exposed person or an immediate family member or close associate of a politically exposed person, the designated person shall apply the measures specified in *subsection (4)(a)* and *(b)* in relation to the customer concerned.”.

*17. In page 37, to delete lines 33 to 40 and substitute the following:

“(7) For the purposes of *subsections (4)* and *(6)*, a designated person is deemed to know that another person is a politically exposed person or an immediate family member or close associate of a politically exposed person if, on the basis of—

- (a) information in the possession of the designated person (whether obtained under *subsections (1)* to *(3)* or otherwise),
- (b) in a case where the designated person has contravened *subsection (1)* or *(2)*, information that would have been in the possession of the person if the person had complied with that provision, or
- (c) public knowledge,

there are reasonable grounds for concluding that the designated person so knows.”.

*18. In page 37, line 45, to delete “not establish any business relationship” and substitute “discontinue the business relationship (if any)”.

*19. In page 37, line 47, after “service” to insert “or carry out the transaction”.

20. In page 38, 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 Ivana Bacik, Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast.*

21. In page 38, 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 Ivana Bacik, Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast.*

22. In page 42, lines 34 and 35, to delete “and the Revenue Commissioners”.

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

23. In page 58, line 45, after “oath” to insert “or affirmation”.
—*Senators Ivana Bacik, Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast.*
24. In page 78, line 44, after “purpose,” to insert “as giving rise to civil or criminal liability or”.
—*Senators Ivana Bacik, Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast.*