



# **DÁIL ÉIREANN**

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**AN BILLE UM CHEARTAS COIRIÚIL (CIONTA ÉILLITHE),  
2017  
CRIMINAL JUSTICE (CORRUPTION OFFENCES) BILL 2017**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE UM CHEARTAS COIRIÚIL (CIONTA ÉILLITHE), 2017 —ROGHCHOISTE

### CRIMINAL JUSTICE (CORRUPTION OFFENCES) BILL 2017 —SELECT COMMITTEE

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#### *Leasuithe Amendments*

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#### SECTION 2

1. In page 6, to delete lines 4 to 9 and substitute the following:

““corruptly” includes acting in such a manner so as to secure an unlawful benefit, whether that benefit is personal or for another, and regardless as to whether such benefit is secured;”.

—Jim O’Callaghan.

2. In page 7, between lines 14 and 15, to insert the following:

“(d) a member of a local authority,”.

—Jim O’Callaghan.

3. In page 7, between lines 14 and 15, to insert the following:

“(d) an elected member of a local authority,”.

—Donnchadh Ó Laoghaire.

#### SECTION 5

4. In page 9, to delete lines 1 and 2 and substitute the following:

- “(a) corruptly requests,
- (b) corruptly accepts or obtains, or
- (c) corruptly agrees to accept,”.

—An tAire Dlí agus Cirt agus Comhionannais.

#### SECTION 6

5. In page 9, to delete lines 17 and 18 and substitute the following:

- “(a) corruptly requests,
- (b) corruptly accepts or obtains, or
- (c) corruptly agrees to accept,”.

—An tAire Dlí agus Cirt agus Comhionannais.

[SECTION 9]

SECTION 9

6. In page 10, between lines 6 and 7, to insert the following:

“9. Where a document purports to have been created by a person it shall be presumed, unless the contrary is shown, that the document was created by that person and that any statement contained therein, unless the document expressly attributes its making to some other person, was made by that person.”.

—Donnchadh Ó Laoghaire.

SECTION 14

7. In page 13, between lines 2 and 3, to insert the following:

“14. In any proceedings against a person for an offence under *section 5, 6, 7 or 8* the following presumptions shall apply:

- (a) Where a document purports to have been created by a person it shall be presumed, unless the contrary is shown, that the document was created by that person and that any statement contained therein, unless the document expressly attributes its making to some other person, was made by that person.
- (b) Where a document purports to have been created by a person and addressed and sent to a second person, it shall be presumed, unless the contrary is shown, that the document was created and sent by the first person and received by the second person and that any statement contained therein—
  - (i) unless the document expressly attributes its making to some other person, was made by the first person, and
  - (ii) came to the notice of the second person.
- (c) Where a document is retrieved from an electronic storage and retrieval system or electronic device, it shall be presumed unless the contrary is shown, that the author of the document is the person who ordinarily uses that electronic storage and retrieval system or electronic device.”.

—Jim O'Callaghan.

SECTION 15

8. In page 15, lines 23 and 24, to delete “whichever section of the Act of 1997 or the Act of 1999” and substitute “section 23A or 23AA of the Act of 1997 or section 19BB of the Act of 1999”.

—Jim O'Callaghan.

SECTION 17

9. In page 17, line 16, to delete “5 years” and substitute “10 years”.

—Jim O'Callaghan.

10. In page 17, line 16, to delete “5 years” and substitute “8 years”.

—Donnchadh Ó Laoghaire.

[SECTION 18]

SECTION 18

11. In page 20, to delete lines 26 to 29 and substitute the following:

“(2) (a) In proceedings for an offence under *subsection (1)*, that where the body corporate in question stood to benefit from the commission of an offence under this section, by way of obtaining or retaining—

- (i) business for the body corporate, or
- (ii) an advantage in the conduct of business for the body corporate,

there shall be a rebuttable presumption, that the body corporate was aware of the commission of the offence.

(b) If the presumption under *subsection (1)* has been rebutted, it shall be a defence for a body corporate against which such proceedings are brought to prove that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.”.

—Donnchadh Ó Laoghaire.

SECTION 23

12. In page 23, between lines 9 and 10, to insert the following:

**“Amendment of Schedule 1A to Criminal Justice Act 1994**

23. Schedule 1A to the Criminal Justice Act 1994 is amended—

(a) in Part 1—

- (i) by the deletion of paragraph 1, and
- (ii) in paragraph 6, by the substitution of “paragraphs 2 to 5” for “paragraphs 1 to 5”, and

(b) in Part 2—

(i) by the insertion of the following paragraph after paragraph 17:

“17A. An offence under section 5 of the *Criminal Justice (Corruption Offences) Act 2018*.”, and

(ii) in paragraph 19, by the substitution of “16, 17 and 17A” for “16 and 17”.”.

—An tAire Dli agus Cirt agus Comhionannais.

SCHEDULE 2

13. In page 30, between lines 16 and 17, to insert the following:

“

No. 50 of 2001	Criminal Justice (Theft and Fraud Offences) Act 2001	Definitions of “active corruption” and “passive corruption” in section 40(1)  Sections 43, 44 and 45(2)
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”

[SCHEDULE 2]

—An tAire Dlí agus Cirt agus Comhionannais.

TITLE

**14.** In page 5, line 15, after “2003” to insert the following:

“and to give partial effect to Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union’s financial interests by means of criminal law”.

—An tAire Dlí agus Cirt agus Comhionannais.