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**An Bille um Cheartas Coiriúil (Sciúradh Airgid agus Maoiniú  
Sceimhlitheoireachta) (Leasú) (An Ghníomhaireacht um Choireacht  
Trasteorann), 2019**

**Criminal Justice (Money Laundering and Terrorist Financing) (Amendment)  
(Cross Border Crime Agency) Bill 2019**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM CHEARTAS COIRIÚIL (SCIÚRADH AIRGID AGUS MAOINIÚ  
SCEIMHLITHEOIREACHTA) (LEASÚ) (AN GHNÍOMHAIREACTH UM  
CHOIREACTH TRASTEORANN), 2019  
CRIMINAL JUSTICE (MONEY LAUNDERING AND TERRORIST FINANCING)  
(AMENDMENT) (CROSS BORDER CRIME AGENCY) BILL 2019**

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*Mar a tionscnaíodh*

*As initiated*

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AN BILLE UM CHEARTAS COIRIÚIL (SCIÚRADH AIRGID AGUS MAOINIÚ  
SCEIMHLITHEOIREACHTA) (LEASÚ) (AN GHNÍOMHAIREACTH UM  
CHOIREACTH TRASTEORANN), 2019  
CRIMINAL JUSTICE (MONEY LAUNDERING AND TERRORIST FINANCING)  
(AMENDMENT) (CROSS BORDER CRIME AGENCY) BILL 2019

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# Bill

*entitled*

An Act to provide for the amendment of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 in order to establish a cross-border statutory agency to investigate and report on criminal activity between Northern Ireland and this jurisdiction.

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**Be it enacted by the Oireachtas as follows:**

## **Definition**

1. In this Act “Border region” means the jurisdiction of Northern Ireland and the counties in the Republic of Ireland directly adjacent to the border between the Republic of Ireland and Northern Ireland. 15

## **Amendment of Criminal Justice (Money Laundering and Terrorist Financing) Act 2010**

2. The Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 is amended by the insertion of the following new Part after Part 5:

“PART 6

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### THE CROSS-BORDER CRIME AGENCY

#### **Establishment of the Cross-Border Crime Agency**

**123.** (1) There shall be an Agency to be known as the Cross-Border Crime Agency to perform the functions assigned to it by or under this Act.

(2) The Agency shall stand established on such day as the Minister by order appoints. 25

(3) The Agency shall consist of a Director General and eight other officers appointed in accordance with this Act.

#### **Membership of Agency**

**124.** (1) The Director General shall be appointed by the government, having 30

consulted with the Minister for the Environment of the Northern Ireland Executive.

- (2) Four officers shall be appointed by the Minister to the Agency and shall consist of—
- (a) an Officer from the Environmental Protection Agency, 5
  - (b) an Officer from the Office of the Revenue Commissioners,
  - (c) a Chief Superintendent nominated by the Garda Commissioner, and
  - (d) an officer from the Criminal Assets Bureau.
- (3) Upon the recommendation of the Minister for the Justice of Northern Ireland or the Secretary of State for Northern Ireland if there is no Minister for Justice of Northern Ireland in office upon the appointment of the officers of the agency, the Minister shall also appoint the following to be officers of the Agency— 10
- (a) an Officer from the Northern Ireland Environmental Protection Agency, 15
  - (b) an Officer from Northern Ireland's Revenue Commissioners,
  - (c) a Chief Superintendent from the Police Service of Northern Ireland, and
  - (d) an officer from the National Crime Agency.
- (4) The Director General shall be appointed in a full-time capacity and shall not at any time during his or her term of office hold any other office or employment in respect of which emoluments are payable. 20
- (5) Subject to the provisions of this section—
- (a) the term of the Office of the Director General shall be five years,
  - (b) the Director General may be re-appointed by the government for a second or subsequent term of office of five years or less if, at the time of his re-appointment, he is the outgoing Director General. 25
- (6) The Director General may resign his Office by letter addressed to the Minister.
- (7) (a) The Director General shall be paid, out of monies at the disposal of the Agency, such remuneration as the Minister, with the consent of the Minister for Finance, may determine. 30
- (b) The Officers of the Agency shall be paid out of monies at the disposal of the Agency such expenses as they are entitled to and which the Minister, with the consent of the Minister for Finance, may determine. 35
  - (c) The Director General shall hold Office on such terms and conditions as the Minister, with the consent of the Minister for Finance, may determine.

- (8) The Director General may be removed from Office by the government if, in its opinion, he has become incapable through ill health of effectively performing his duties, or for stated misbehaviour, or if his removal appears to the government to be necessary or desirable for the effective performance by the Agency of its functions and, in case the Director General is removed from Office under this subsection, the government shall cause to be laid before each House of the Oireachtas a statement in writing of the reasons for the removal. 5
- (9) The Minister may, with the approval of the Minister for Finance, allocate a secretariat to assist with the functions of the Agency. 10

### **Functions of Agency**

- 125.** (1) The functions of the Agency shall, subject to the provisions of this Act, include—
- (a) the monitoring of organised criminal activity in the border region,
  - (b) the investigation of who profits from organised criminal activity in the border region, 15
  - (c) the monitoring of fuel smuggling in the border region,
  - (d) the investigation of the financing of fuel smuggling in the border region,
  - (e) the investigation of who profits from fuel smuggling in the border region, 20
  - (f) the investigation of the extent to which fuel smuggling in the border region is part of organised criminal activity,
  - (g) the monitoring of the impact of fuel smuggling on the environment in the border region, 25
  - (h) the monitoring and investigation of organised criminal activity involving human trafficking in the border region, and
  - (i) the monitoring and investigation of organised criminal activity involving illicit trade in the border region.
- (2) In carrying out its functions, the Agency shall— 30
- (a) be provided with information by An Garda Síochána and the Police Service of Northern Ireland in respect of organised criminal activity in the border region,
  - (b) be provided with information by An Garda Síochána, the Police Service of Northern Ireland, Environmental Protection Agency in respect of fuel smuggling in the border region, 35
  - (c) be provided with information by the Revenue Commissioners and the Northern Ireland Revenue Commissioners in respect of monies due to the public exchequer in this jurisdiction and in Northern Ireland arising from profits generated from fuel smuggling and organised criminal activity in the border region, 40

- (d) have regard to the harmful effect of emissions of smuggled fuel and the extent to which they cause environmental pollution and damage agriculture in the border region.
- (3) The Agency shall, not later than six months after the end of the preceding year prepare an annual report specifying the activities of the Forum during that year and submit the report to the Minister. 5
- (4) As soon as practicable after receiving annual report, the Minister shall arrange for a copy of the report to be laid before both Houses of the Oireachtas.
- (5) On becoming aware that subsection (2) has been complied with, the Director General shall arrange for the publication of the annual report. 10
- (6) The report published by the Agency shall contain—
- (a) an assessment by the Agency of criminal activity, human trafficking and fuel smuggling in the border region during the preceding year,
- (b) an assessment by the Agency of the environmental impact that fuel smuggling had on the environment and agriculture in the border region during the preceding year, and 15
- (c) a report on what persons or organisations financially profited from fuel smuggling and/or organised criminal activity in the border region during the preceding year. 20
- (7) (a) The Director General is required to attend a meeting of a Joint Committee of the Houses of the Oireachtas whenever asked to do so by the Committee and to provide such information (including documents) as the Committee specifies and as is in the possession of, or is available to, the Director General. 25
- (b) Such a Committee is not entitled to request the Director General to provide information relating to any ongoing investigation. The Director General must refuse to comply with a request from the Committee to provide it with any such information.
- Amendment of Defamation Act 2009** 30
- 126.** Part 1 of Schedule 1 of the Defamation Act 2009 is amended by inserting the following new paragraphs after paragraph 19:
- “20. Any statement published by the Cross-Border Crime Agency established under the *Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) (Cross Border Crime Agency) Act 2019*. 35
21. A fair and accurate report of any matter referred to in the annual report of the Cross-Border Crime Agency established under the *Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) (Cross Border Crime Agency) Act 2019*.”. 40



**Short title and commencement**

3. (1) This Act may be cited as the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) (Cross Border Crime Agency) Act 2019.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 5

An Bille um Cheartas Coiriúil (Sciúradh Airgid agus Maoiniú Sceimhlitheoireachta) (Leasú) (An Ghníomhaireacht um Choireacht Trasteorann), 2019

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do dhéanamh socrú maidir leis an Acht um Cheartas Coiriúil (Sciúradh Airgid agus Maoiniú Sceimhlitheoireachta), 2010 a leasú d'fhonn gníomhaireacht reachtúil trasteorann a bhunú chun imscrúdú a dhéanamh ar ghníomhaíocht choiriúil idir Tuaisceart Éireann agus an dlínse seo agus chun tuarascáil a thabhairt ar an gcéanna.

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*An Teachta Breandán Mac Gabhann a thug isteach,*  
18 Nollaig, 2019

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Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) (Cross Border Crime Agency) Bill 2019

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# BILL

*(as initiated)*

*entitled*

An Act to provide for the amendment of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 in order to establish a cross-border statutory agency to investigate and report on criminal activity between Northern Ireland and this jurisdiction.

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*Introduced by Deputy Brendan Smith,*  
18th December, 2019

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