The Criminal Assets Bureau (CAB) is a multi-agency statutory body established under the Criminal Assets Bureau Act, 1996. The Bureau’s remit is to target the assets, wherever situated, of persons which derive or are suspected to derive, directly or indirectly, from criminal conduct. Officers from the Social Welfare, Revenue & Revenue Customs also seize assets that were unlawfully gained by persons under investigation by the CAB.

As the Deputy will be aware, responsibility for the identification, tracing, freezing, and ultimate confiscation of criminal assets does not rest with a single body in Ireland and is spread across a number of different agencies and statutory bodies, not all of which are within the responsibility of the Department of Justice. The relevant bodies include An Garda Síochána, the Criminal Assets Bureau, the Revenue Commissioners, the Chief State Solicitors Office, the Director of Public Prosecutions and the Courts. It should be noted that in some cases, funds seized represent overdue or unpaid personal taxation.

In accordance with the provisions of the Proceeds of Crime Acts 1996-2016, the Criminal Justice Act 1994, as amended, and SI No. 418/2011, all confiscations relating to the proceeds of crime are transferred to the Minister for Public Expenditure and Reform to be paid into the Exchequer.

The Deputy may wish to note that the disparity between what is seized in a given year and that which is returned to the Exchequer can be explained by reference to three primary considerations:

1. Firstly, section 4 of the Proceeds of Crime Acts 1996-2016, under which the Criminal Assets Bureau vests seized assets in the Exchequer, cannot be invoked until the expiration of a seven year period from the date of seizure. Thus, if property is seized by CAB in 2020, under ordinary circumstances, that property cannot vest in the Exchequer until 2027. This seven year time period is set out in the section 4 of the PoCA, and can only be dispensed with on the consent of the Respondent.
2. Secondly, for a variety of reasons e.g. depreciation, notoriety associated with asset, condition etc. the values attributed to assets at seizure may not be the value realised by the sale of those assets.
3. Thirdly, receivership costs including the cost of securing, managing, storing, valuing and selling an asset will need to be deducted from the gross sales value to ascertain the amount returned to the Exchequer.

In addition to the above, on some occasions assets which the Criminal Assets Bureau have seized and obtained an order over, following an application to the High Court, can be returned to a third party, i.e. an injured party. A case in point is the Abacha case where the Bureau returned funds in 2020 to the Nigerian Government and not the Exchequer.

Please see below the tables which represent the various assets that were seized by the CAB from its inception until 2020. Please be advised that the figures for 2020 are provisional pending the publication of the CAB Annual Report 2020.

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Year** | **Section 2 – Interim Orders                       IRISH PUNTS** | **Section 2   Interim Orders EURO** | **Section 2   Interim Orders STERLING** | **Section 2   Interim Orders US DOLLARS** | **Total sent to Exchequer from Section 4(1) & 4A** |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| **1996** | 2,101,000.00 |   |   |   | 0.00 |  |  |  |  |  |  |
| **1997** | 2,334,680.00 |   |   |   | 0.00 |  |  |  |  |  |  |
| **1998** | 1,682,554.65 |   |   |   | 0.00 |  |  |  |  |  |  |
| **1999** | 1,500.00 |   |   |   | 0.00 |  |  |  |  |  |  |
| **2000** | 838,536.00 |   | 52,230.00 |   | 0.00 |  |  |  |  |  |  |
| **2001** | 1,872,654.72 |   | 491,114.09 |   | 0.00 |  |  |  |  |  |  |
| **2002** |   | 3,709,086.00 | 17,802,004.00 | 5,558,377.00 | 0.00 |  |  |  |  |  |  |
| **2003** |   | 3,045,842.00 | 12,150.00 |   | 0.00 |  |  |  |  |  |  |
| **2004** |   | 1,027,152.18 | 6,115.00 |   | 275,875.43 | First Section 4 Disposal Order of the Bureau |  |
| **2005** |   | 5,860,335.00 |   | 314,619.54 | 2,002,738.41 | S4A power was given by the CAB Amendment Act in 2005 |
| **2006** |   | 2,974,856.03 | 294,289.39 |   | 2,970,589.51 |  |  |  |  |  |  |
| **2007** |   | 9,804,193.14 | 30,690.00 |   | 254,651.94 |  |  |  |  |  |  |
| **2008** |   | 5,022,050.89 | 4,860.00 |   | 2,802,460.37 |  |  |  |  |  |  |
| **2009** |   | 11,012,543.00 | 20,630.00 | 760,051.86 | 1,421,332.11 |  |  |  |  |  |  |
| **2010** |   | 7,019,475.88 | 63,535.00 |   | 3,114,312.59 |  |  |  |  |  |  |
| **2011** |   | 5,384,559.73 | 6,725.00 |   | 2,734,715.22 |  |  |  |  |  |  |
| **2012** |   | 2,110,334.78 |   |   | 4,850,540.17 |  |  |  |  |  |  |
| **2013** |   | 2,821,302.00 |   |   | 1,038,680.52 |  |  |  |  |  |  |
| **2014** |   | 6,760,182.00 |   |   | 467,152.37 |  |  |  |  |  |  |
| **2015** |   | 941,078.59 |   |   | 1,642,962.29 |  |  |  |  |  |  |
| **2016** |   | 643,063.07 |   |   | 1,412,920.41 |  |  |  |  |  |  |
| **2017** |   | 7,020,539.20 |   |   | 1,698,721.08 |  |  |  |  |  |  |
| **2018** |   | 8,263,582.30 |   |   | 2,271,799.92 |  |  |  |  |  |  |
| **2019** |   | 64,985,550.30 |   |   | 1,559,726.31 |  |  |  |  |  |  |
| **2020\*** |  | **5,814,206.00** |  |  | **1,838,507.25** |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
| \* 2020 stats are provisional pending the publication of the CAB Annual Report 2020 |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
| **Taxes and Interest** |  | **Social Welfare Statistics** |  |
| **Year Ending** | **Taxes Collected** |  | **Year Ending** | **Sums Recovered** |  |
| **31/12/1996** | £0.00 |  | **31/12/1996** | £0.00 |  |
| **31/12/1997** | £198,230.00 |  | **31/12/1997** | £0.00 |  |
| **31/12/1998** | £621,749.00 |  | **31/12/1998** | £0.00 |  |
| **31/12/1999** | £2,361,280.00 |  | **31/12/1999** | £0.00 |  |
| **31/12/2000** | £6,769,218.00 |  | **31/12/2000** | £0.00 |  |
| **31/12/2001** | £18,556,321.00 |  | **31/12/2001** | £154,583.00 |  |
| **Total IR £** | **£28,506,798.00** |  | **Total IR £** | **£154,583.00** |  |
| **Converted Euro** | **€36,196,166.91** |  | **Converted Euro** | **€196,280.00** |  |
| **31/12/2002** | €10,003,816.00 |  | **31/12/2002** | €51,909.36 |  |
| **31/12/2003** | €9,991,022.00 |  | **31/12/2003** | €199,702.77 |  |
| **31/1220/04** | €16,408,649.00 |  | **31/12/2004** | €273,073.61 |  |
| **31/12/2005** | €16,376,598.71 |  | **31/12/2005** | €293,948.00 |  |
| **31/12/2006** | €19,192,906.56 |  | **31/12/2006** | €139,524.42 |  |
| **31/12/2007** | €10,009,459.27 |  | **31/12/2007** | €136,623.59 |  |
| **31/12/2008** | €5,891,624.85 |  | **31/12/2008** | €182,198.30 |  |
| **31/12/2009** | €5,100,494.72 |  | **31/12/2009** | €160,335.00 |  |
| **31/12/2010** | €4,084,498.00 |  | **31/12/2010** | €181,272.00 |  |
| **31/12/2011** | €3,804,867.00 |  | **31/12/2011** | €454,037.49 |  |
| **31/12/2012** | €1,967,925.00 |  | **31/12/2012** | €393,797.00 |  |
| **31/12/2013** | €5,418,000.00 |  | **31/12/2013** | €287,380.00 |  |
| **31/12/2014** | €3,017,000.00 |  | **31/12/2014** | €335,911.00 |  |
| **31/12/2015** | €2,038,000.00 |  | **31/12/2015** | €185,354.32 |  |
| **31/12/2016** | €2,106,000.00 |  | **31/12/2016** | €297,430.12 |  |
| **31/12/2017** | €2,374,000.00 |  | **31/12/2017** | €319,720.31 |  |
| **31/12/2018** | €3,097,000.00 |  | **31/12/2018** | €302,673.36 |  |
| **31/12/2019** | €2,206,000.00 |  | **31/12/2019** | €324,055.73 |  |
| **31/12/2020** | **€2,138,000.00** |  | **31/12/2020** | **€317,236.57** |  |
|  |  |  |  |  |  |