Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 19 *of* 2013

CRIMINAL JUSTICE ACT 2013

REVISED

Updated to 26 November 2018

This Revised Act is an administrative consolidation of the *Criminal Justice Act 2013*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Children's Health Act 2018* (27/2018), enacted 20 November 2018 and all statutory instruments up to and including *Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (Section 25) (Prescribed Class of Designated Person) Regulations 2018* (S.I. No. 487 of 2018), made 22 November 2018, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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CRIMINAL JUSTICE ACT 2013

REVISED

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ACTS REFERRED TO

Communications Regulation Act 2002 (No. 20)
Companies Act 1963 (No. 33)
Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (No. 6)
Criminal Justice (Terrorist Offences) Act 2005 (No. 2)
Criminal Justice Act 1994 (No. 15)

Number 19 *of* 2013

CRIMINAL JUSTICE ACT 2013

REVISED

Updated to 26 November 2018

An Act to amend the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, to provide for the cessation of mobile communications services where necessary for the aversion of serious threats, and to provide for related matters. [12*th June*, 2013]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, collective citation and commencement

1. (1) This Act may be cited as the Criminal Justice Act 2013.

(2) The Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 and Part 2 may be cited together as the Criminal Justice (Money Laundering and Terrorist Financing) Acts 2010 and 2013.

(3) Part 2 shall come into operation on such day or days as the Minister for Justice and Equality 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.

Annotations

Editorial Notes:

E1 Power pursuant to subs. (3) exercised (3.03.2014) by *Criminal Justice Act 2013 (Sections 15 and 16) (Commencement) Order 2014* (S.I. No. 80 of 2014).

2. The 3rd day of March 2014 is appointed as the day on which sections 15 and 16 of the Criminal Justice Act 2013 (No. 19 of 2013) shall come into operation.

E2 Power pursuant to subs. (3) exercised (14.06.2013) by *Criminal Justice Act 2013 (Commencement) Order 2013* (S.I. No. 196 of 2013).

2. The 14th day of June 2013 is appointed as the day on which Part 2, other than sections 5, 15 and 16, of the Criminal Justice Act 2013 (No. 19 of 2013) shall come into operation.

PART 2

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

Definition (*Part 2*)

2. In this Part, "Act of 2010" means Criminal Justice (Money Laundering and Terrorist Financing) Act 2010

Amendment of section 17 of Act of 2010

3. Section 17 of the Act of 2010 is amended by the substitution of the following for subsection (4):

"(4) An application for an order under subsection (2)—

(a) shall be made *ex parte* and shall be heard otherwise than in public,

and

(b) shall be made to a judge of the District Court assigned to the district in which the order is proposed to be served.".

Amendment of section 24 of Act of 2010

4. Section 24(1) of the Act of 2010 is amended by the substitution of the following for the definition of "occasional transaction":

"'occasional transaction' means, in relation to a customer of a designated person where the designated person does not have a business relationship with the customer, a single transaction, or a series of transactions that are or appear to be linked to each other, and—

(a) in a case where the designated person concerned is a person referred to in section 25(1)(h), that the amount of money or the monetary value concerned—

(i) paid to the designated person by the customer, or

(ii) paid to the customer by the designated person,

is in aggregate not less than €2,000,

(b) in a case where the transaction concerned consists of a transfer of funds (within the meaning of Regulation (EC) No. 1781/2006 [1]) that the amount of money to be transferred is in aggregate not less than €1,000, and

(c) in a case other than one referred to in paragraphs (a) or (b), that the amount or aggregate of amounts concerned is not less than €15,000;".

Amendment of section 25 of Act of 2010

5. F1**[**...**]**

Annotations

Amendments:

F1 Repealed (26.11.2018) by *Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018* (26/2018), s. 40(a), S.I. No. 486 of 2018.

[1] OJ L 345, 8.12.2006, p.1

Amendment of section 33 of Act of 2010

6 . Section 33(1) of the Act of 2010 is amended by the substitution of the following for paragraph (c):

"(c) prior to carrying out any service for the customer, if, having regard to the circumstances, including—

(i) the customer, or the type of customer, concerned,

(ii) the type of any business relationship which the person has with the customer,

(iii) the type of service or of any transaction or product in respect of which the service is sought,

(iv) the purpose (or the customer's explanation of the purpose) of the service or of any transaction or product in respect of which the service is sought,

(v) the value of any transaction or product in respect of which the service is sought,

(vi) the source (or the customer's explanation of the source) of funds for any such transaction or product,

the person has reasonable grounds to suspect that the customer is involved in, or the service, transaction or product sought by the customer is for the purpose of, money laundering or terrorist financing, or".

Amendment of section 34 of Act of 2010

7. Section 34 of the Act of 2010 is amended by the substitution of the following for subsection (1):

"(1) A designated person is not required to apply the measures specified in section 33(2) if the designated person, having taken such measures as are necessary to establish if the customer is a specified customer or the product is a specified product, is satisfied that—

(a) the customer is a specified customer, or

(b) the product is a specified product.".

Amendment of section 36 of Act of 2010

8. Section 36 of the Act of 2010 is amended by the substitution of the following for subsection (1):

"(1) A designated person is not required to apply the measures specified in section 35(1) if the designated person, having taken such measures as are necessary to establish if the customer is a specified customer or the product is a specified product, is satisfied that—

(a) the customer is a specified customer, or

(b) the product is a specified product.".

Amendment of section 37 of Act of 2010

9. Section 37 of the Act of 2010 is amended—

(a) by the substitution of the following for subsection (4):

"(4) If a designated person knows or has reasonable grounds to believe that a customer residing in a place outside the State is, or has become, 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 senior management of the designated person before a business relationship is established or continued with the customer,

(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,

and

(c) apply such additional measures in the course of monitoring the business relationship with the customer in accordance with section 35(3) (including monitoring of the source of wealth and funds), that the designated person considers to be warranted by the risk of money laundering or terrorist financing.",

and

(b) in subsection (6)—

(i) by the substitution of "is, or has become, a politically exposed person" for "is a politically exposed person", and

(ii) by the substitution of "subsection (4)(a), (b) and (c)" for "subsection (4)(a) and (b)".

Amendment of section 39 of Act of 2010

10. The Act of 2010 is amended by the substitution of the following for section 39:

"Enhanced due diligence in cases of heightened risk

39. Where a designated person has reasonable grounds to believe that the circumstances relating to a customer, beneficial owner, service, product or transaction may present a heightened risk of money laundering or terrorist financing, the designated person shall, as respects that customer or beneficial owner, apply additional measures to those specified in this Chapter.".

Amendment of section 54 of Act of 2010

11. Section 54(3) of the Act of 2010 is amended—

(a) in paragraph (a) by the substitution of "terrorist financing," for "terrorist financing, and",

(b) in paragraph (b) by the substitution of "facilitate anonymity," for "acilitate anonymity.", and

(c) by the insertion after paragraph (b) of the following:

"(c) measures to be taken to keep documents and information relating to the customers of that designated person up to date,

(d) additional measures to be taken in accordance with section 39 and the circumstances in which such measures are to be taken, and

(e) measures to be taken to prevent the risk of money laundering or terrorist financing which may arise from technological developments including the use of new products and new practices and the manner in which services relating to such developments are delivered.".

Amendment of section 55 of Act of 2010

12. Section 55 of the Act of 2010 is amended—

(a) in subsection (4), by the substitution of "shall be retained by the designated person" for "shall be retained by the designated person, at an office or other premises in the State,", and

(b) by the insertion, after subsection (7) of the following subsection:

"(7A) The records required to be kept by a designated person under this section may be kept outside the State provided that the designated person ensures that those records are produced in the State to—

(a) a member of the Garda Síochána,

(b) an authorised officer appointed under section 72,

(c) a relevant authorised officer within the meaning of section 103, or

(d) a person to whom the designated person is required to produce such records in relation to his or her business, trade or profession,

as soon as practicable after the records concerned are requested, or where the obligation to produce the records arises under an order of a court made under section 63 of the Criminal Justice Act 1994, within the period which applies to such production under the court order concerned.".

Amendment of section 60 of Act of 2010

13. Section 60(2)(b)(ii) of the Act of 2010 is amended by the substitution of "through officers and members" for "through officers, members or employees".

Amendment of section 71 of Act of 2010

14. The Act of 2010 is amended by the substitution of the following for section 71:

"Directions to comply with obligations under this Part

71. (1) A State competent authority may, by notice in writing, direct a designated person or a class of designated persons in respect of whom the authority is the competent authority to—

(a) discontinue, or refrain from engaging in, specified conduct that in the opinion of the authority concerned constitutes, or, if engaged in, would constitute, a breach of any specified provision of this Part, or

(b) take specific actions or to establish specific processes or procedures that in the opinion of the authority are reasonably necessary for the purposes of complying with any specified provision of this Part.

(2) The State competent authority shall specify in any such direction a reasonable period of time within which the person to whom it is given is required to comply with the direction.

(3) If a designated person to whom a direction has been issued under subsection (1) fails to comply with the direction and is subsequently found guilty of an offence—

(a) which consists of the conduct specified in the direction given under subsection (1)(a), or

(b) which would not have been committed if the direction under subsection (1)(b) had been complied with,

the court may take the failure to comply with the direction into account as an aggravating factor in determining any sentence to be imposed on the person for the offence.".

Amendment of section 84 of Act of 2010

15. Section 84 of the Act of 2010 is amended—

(a) by the renumbering of the section as subsection (1),

(b) by the insertion, in subsection (1), after the definition of "principal officer" of the following:

" 'subsidiary' has the meaning assigned to it by section 155 of the Companies Act 1963",

and

(c) by the insertion after subsection (1) of the following subsection:

(2) (a) Subject to paragraph (b), in this Chapter a reference to the Minister shall, in a case where the applicant for or the holder of an authorisation is a subsidiary of a credit or financial institution, be construed as a reference to the Central Bank of Ireland.

(b) Paragraph (a) does not apply to—

(i) section 88(5),

(ii) sections 89(5)(b)(ii), 90(3)(b)(ii), 93(6)(b)(ii), 97(6)(b)(ii), 98(2)(b)(ii) and 100(2) in so far as those provisions relate to the specifying of a form by the Minister,

(iii) section 94(3),

(iv) section 101,

(v) section 104(8),

(vi) section 106(7).".

Miscellaneous amendments to Act of 2010

16. The Act of 2010 is amended—

(a) in section 98 by the substitution of "the reasons" or "the Minister's reasons" in subsection (2)(a),

(b) in section 103(1) by the substitution of "to assist in carrying out" for "to assist him or her in carrying out", and

(c) in section 104—

(i) in subsection (3) by the substitution of "at an office in the State" or "at an office of the Department", and

(ii) in subsection (4) by the substitution of "during ordinary business hours" for "during the ordinary business hours of the Department".

Amendment of section 104 of Act of 2010

17. Section 104 of the Act of 2010 is amended by the substitution of the following for subsection (5):

"(5) The Minister may publish a register in written, electronic or other form and a member of the public is entitled to obtain a copy of a register or of an entry in a register on payment of such reasonable copying charges as may be prescribed (if any).".

Amendment of section 109 of Act of 2010

18. Section 109 of the Act of 2010 is amended by the insertion after subsection (6) of the following subsections:

"(7) The Minister may publish the register in written, electronic or other form and a member of the public is entitled to obtain a copy of the register or of an entry in the register on payment of such reasonable copying charges as may be prescribed (if any).

(8) The particulars entered in the register pursuant to this section relating to a person who is a designated person pursuant to section 25(1)(h) may be removed from the register where that person ceases to be a designated person pursuant to that provision.".

PART 3

Cessation of Mobile Communications Service in Response to Serious Threat

Definitions (*Part 3*)

19. In this Part—

"activate", in relation to an explosive or other lethal device, includes discharge and detonate;

"authorisation" means an authorisation given under *section 22*;

"cessation" means the cessation by an undertaking, in compliance with a direction, of the provision of a mobile communications service within a particular geographical area;

"cessation period" means the period, referred to in *section 24(3)(c)*, during which an undertaking is directed, under a direction, to cease providing a mobile communications service;

"direction" means a direction issued under *section 24*;

"electronic communications service" has the same meaning as it has in section 2 of the Communications Regulation Act 2002;

"explosive or other lethal device" has the same meaning as it has in section 10(9) of the Criminal Justice (Terrorist Offences) Act 2005 ;

"geographical area" means a geographical area that covers all or a part of the State;

"Minister" means the Minister for Justice and Equality;

"mobile communications service" means a publicly available electronic communications service that is provided by an undertaking wholly or mainly by means of a mobile terrestrial network;

"serious threat" means an imminent threat that—

(a) an explosive or other lethal device will be activated by use of a mobile communications service provided in the State by an undertaking, and

(b) the activation of that explosive or other lethal device is likely to cause—

(i) death of a person,

(ii)serious bodily injury to a person, or

(iii) substantial damage to property;

"undertaking" means a person who is for the time being authorised or licensed in the State to provide a mobile communications service;

"user" means a person using a mobile communications service, for private or business purposes, whether or not he or she has subscribed to that service.

Conditions justifying authorisation

20. (1) The Minister may give an authorisation where, and only where, he or she—

(a) has received an application under *section 21*, and

(b) is satisfied that the conditions referred to in *subsection (2)* have been met.

(2) The conditions referred to in *subsection (1)(b)* are:

(a) that there are reasonable grounds for believing that a serious threat exists;

(b) that there is a reasonable prospect that the cessation of a mobile communications service within a geographical area would be of material assistance in averting that threat;

(c) that having regard to all the circumstances, including the importance of maintaining the availability of the mobile communications service in the geographical area concerned and the effect of a cessation on users, the giving of an authorisation is necessary and proportionate to its objectives.

Application for authorisation

21. (1) An application for an authorisation shall—

(a) subject to *subsection (2)*, be made in writing by a member of the Garda Síochána not below the rank of Assistant Commissioner (in this Part referred to as "the applicant"),

(b) include sufficient information to enable the Minister to determine whether the conditions specified in *section 20(2)* are met in relation to the authorisation being applied for, and

(c) include a statement by the applicant that he or she has reasonable grounds for believing that a serious threat exists.

(2) (a) The Minister, where he or she is satisfied that the case is one of exceptional urgency, may consider an application under this section that is made orally.

(b) Where *paragraph (a)* applies, the applicant concerned shall, as soon as possible, confirm the application in writing to the Minister.

(3) The Minister shall consider an application under this section and shall make any inquiries he or she thinks necessary for that purpose.

(4) Where, having considered an application under this section, the Minister refuses to give an authorisation, he or she shall notify the applicant forthwith and shall specify the reasons for that refusal.

(5) A notification referred to in *subsection (4)* may, if the Minister considers that the case is one of exceptional urgency, be given orally provided that the notification shall be confirmed in writing as soon as practicable.

(6) The Minister shall arrange for a record of any notifications given under this section (which shall include the Minister's reasons for refusing an application) to be kept.

(7) Notwithstanding any other enactment or rule of law, the Minister may, in the interests of public safety or the security or essential interests of the State, refuse to disclose to any person, other than a court—

(a) the fact of an application for an authorisation having been made, or any information or statement contained in it,

(b) the fact of a refusal to give an authorisation,

(c) a notification referred to in *subsection (4)*, or

(d) an authorisation or its content.

Authorisation

22. (1) Where the Minister, having considered an application under *section 21*, is satisfied that the conditions specified in *section 20(2)* are met in relation to the giving of the authorisation which is the subject of the application, he or she shall, subject to this section, give an authorisation to the applicant.

(2) (a) Subject to *paragraph (b)*, an authorisation shall be given in writing and shall be signed by the Minister.

(b) Where the Minister considers that the case is one of exceptional urgency, he or she may give an authorisation orally provided that the authorisation shall be confirmed in writing as soon as practicable.

(c) An authorisation shall remain in force for a period not exceeding 24 hours.

(d) The maximum duration of a cessation period specified in an authorisation shall be a period not exceeding 6 hours.

(e) The Minister shall arrange for a record of any authorisation given under this section, including the reasons for giving such authorisation, to be kept.

(3) An authorisation shall—

(a) state the date on which, and time at which, it is given,

(b) state the period during which it shall remain in force,

(c) confirm that the Minister is satisfied that the conditions specified in *section 20(2)* have been met in relation to the giving of the authorisation,

(d) permit a member of the Garda Síochána, not below the rank of chief superintendent, at any time while the authorisation is in force, and subject to *section 24*, to issue a direction to an undertaking, and

(e) specify the maximum duration of the cessation period that can be specified in a direction issued pursuant to the authorisation concerned.

(4) An authorisation may contain such other terms and conditions as the Minister considers necessary having regard to the circumstances.

Variation or extension of authorisation

23. (1) The Minister, on application made in writing by a member of the Garda Síochána not below the rank of Assistant Commissioner, may vary an authorisation or extend the period during which the authorisation shall remain in force.

(2) *Sections 21* and *22* shall apply to an application for the variation or extension of an authorisation, as if the references in those sections to an authorisation were references to the variation or, as the case may be, extension of an authorisation.

Direction

24. (1) At any time while an authorisation is in force, a member of the Garda Síochána not below the rank of chief superintendent (in this Part referred to as the "member" may, subject to this section, issue a direction to an undertaking where, and only where, the member is satisfied that—

(a) the serious threat on the basis of which the authorisation was granted, continues to exist, and

(b) any other means of averting that threat that are at the disposal of the Garda Síochána are less likely to result in the serious threat being averted.

(2) (a) Subject to *paragraph (b)*, a direction shall be issued in writing and shall be signed by the member.

(b) Where the member considers that the case is one of exceptional urgency, he or she may issue a direction orally provided that the direction shall be confirmed in writing as soon as practicable.

(3) Subject to *subsection (4)*, a direction—

(a) shall state the name of the undertaking to which it is issued,

(b) shall state the date and time of the giving of the authorisation pursuant to which the direction is being issued and the period during which the authorisation remains in force,

(c) shall direct that the undertaking, subject to *section 25(3)*, cease providing—

(i) all mobile communications services, or

(ii) specific types of mobile communications services,

for such a period, which shall not exceed 6 hours, and in such a geographical area, as may be specified in the direction,

(d) shall direct that the undertaking take all necessary steps to ensure its compliance with *paragraph (c)*, and

(e) may specify such additional requirements relating to the cessation of the mobile communications service which the member considers necessary for the purpose of averting the serious threat concerned.

(4) A direction shall not—

(a) remain in force beyond the period in which the authorisation concerned is in force,

(b) specify a cessation period that is longer than the maximum duration of a cessation period that is specified in the authorisation concerned, or

(c) specify, under *subsection (3)(e)*, a requirement that is otherwise inconsistent with the authorisation concerned.

(5) A member, where he or she considers it necessary for the purpose of averting the serious threat concerned, may vary the geographical area or a requirement referred to in *subsection (3)(e)*, that is specified in a direction, and *subsections (2)* and *(3)* shall apply to such a variation as if references in those subsections to a direction were references to the variation concerned.

(6) In issuing or varying a direction, the member shall have regard to the need to limit the effect of the cessation, on users and on the availability of the mobile communications service in the geographical area concerned, to that which he or she considers the minimum necessary to avert the serious threat concerned.

(7) The Commissioner of the Garda Síochána shall arrange for a record of any direction that is issued under this section to be kept.

Obligations of undertakings

25. (1) An undertaking that becomes aware that an authorisation is likely to be applied for, or that a direction is likely to be issued shall not—

(a) disclose that fact to any person, or

(b) permit that fact to be disclosed by any member of its staff to any person,

except in so far as may be necessary for the undertaking to take steps to ensure compliance by it with any direction that may be issued to it.

(2) An undertaking to which a direction is issued—

(a) shall comply with the direction,

(b) before the cessation period commences, shall not disclose, or permit to be disclosed by any member of its staff, to any person, the existence or content of the direction or an authorisation referred to in that direction, except in so far as may be necessary to ensure compliance with the direction, and

(c) following the commencement of the cessation period, shall not disclose, or permit to be disclosed by any member of its staff, to any person, the content of the direction or an authorisation referred to in that direction, except in so far as may be necessary to ensure compliance with the direction.

(3) An undertaking to which a direction is issued shall endeavour to continue to provide such a mobile communications service as is necessary to enable emergency service calls to be made and received in the geographical area and during the cessation period to which the direction relates, provided that the continued provision of such a service does not prevent the undertaking from ceasing to provide the mobile communications service, or the specific type of mobile communications service, specified in the direction.

(4) In this section, "emergency service calls" means calls to the emergency services including the Garda Síochána, a fire brigade service, an ambulance service, the boat and coastal service rescue services (including the rescue services provided by the Air Corps), the mountain and cave rescue services or a similar emergency service, using the National emergency call number 999 or the single European emergency call number 112, or such other number as may be specified for such

purposes, and calls made by or on behalf of such emergency services in response to such calls.

Obligations of other persons

26. (1) A person, other than a person to whom *section 25(1)* applies, who becomes aware that an authorisation is likely to be applied for, or that a direction is likely to be issued, shall not disclose that fact to any person, except in so far as may be necessary for the performance of his or her functions under this Part.

(2) A person, other than a person to whom *section 25(2)* applies, shall not—

(a) before the cessation period commences, disclose, or permit to be disclosed by any member of his or her staff, to any person, the existence or content of the direction or an authorisation referred to in that direction, except in so far as may be necessary to ensure compliance with the direction, and

(b) following the commencement of the cessation period, disclose, or permit to be disclosed by any member of his or her staff, to any person, the content of the direction or an authorisation referred to in that direction, except in so far as may be necessary to ensure compliance with the direction.

Withdrawal of direction

27. (1) Where the member who issued a direction considers that the direction is no longer required, he or she shall, without delay—

(a) withdraw the direction, and

(b) notify the undertaking to which the direction was issued of the withdrawal.

(2) A notification referred to in *subsection (1)(b)* may, if the applicant considers that it is expedient to do so, be given orally provided that the notification shall be confirmed in writing as soon as practicable.

(3) The Commissioner of the Garda Síochána shall—

(a) inform the Minister of the withdrawal under this section of a direction, and

(b) arrange for a record of any notifications issued under this section to be kept.

Nominated officer

28. (1) The functions of the Minister under this Part may be performed by such officer of the Minister, not below the rank of Assistant Secretary, as the Minister may nominate for that purpose.

(2) A reference in this Part to the Minister includes a reference to an officer nominated under *subsection (1)*.

Offences

29. (1) A person who fails to comply with a direction to which he or she is subject shall be guilty of an offence and shall be liable—

(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 5 years or both.

(2) A person who intentionally hinders the compliance by an undertaking with a direction shall be guilty of an offence and shall be liable—

(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 5 years or both.

(3) A person who contravenes *section 25(1)* or *paragraph (b)* or *(c)* of *section 25(2)* shall be guilty of an offence and shall be liable—

(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 5 years or both.

(4) A person who contravenes *section 26* shall be guilty of an offence and shall be liable—

(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 5 years or both.

(5) (a) Where an offence under *subsection (1)*, *(2)*, *(3)* or *(4)* is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to have been attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or any other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(b) Where the affairs of a body corporate are managed by its members, *paragraph (a)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(6) A court hearing proceedings for an offence under this section, including any appeal or subsequent proceedings, may, on its own motion or on the application of the Director of Public Prosecutions, order that the proceedings, or part of them, be held otherwise than in public.



Number 19 *of* 2013

CRIMINAL JUSTICE ACT 2013

REVISED

Updated to 26 November 2018

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Criminal Justice (Money Laundering and Terrorist Financing) Acts 2010 to 2018: this Act is one of a group of Acts included in this collective citation (*Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018* (26/2018), s. 1(3)). The Acts in this group are:

- *Criminal Justice (Money Laundering and Terrorist Financing) Act 2010* (6/2010)
- *Criminal Justice Act 2013* (19/2013), Part 2
- *Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018* (26/2018)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1979, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018* (26/2018)

All Acts up to and including *Children's Health Act 2018* (27/2018), enacted 20 November 2018, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Criminal Justice Act 2013 (Sections 15 and16) (Commencement) Order 2014* (S.I. No. 80 of 2014)
- *Criminal Justice Act 2013 (Commencement) Order 2013* (S.I. No. 196 of 2013)

All statutory instruments up to and including *Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (Section 25) (Prescribed Class of Designated Person) Regulations 2018* (S.I. No. 487 of 2018), made 22 November 2018, were considered in the preparation of this revision.