

## Anti-Money Laundering

### Definitions of 'prominent public functions'

#### Criminal Justice (Money Laundering and Terrorist Financing) Act 2010.

On the **20 January 2023**, the Minister for Justice, with the consent of the Minister for Finance, published additional guidelines in respect of functions in the State that may be considered to be prominent functions for the purposes of the *Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (The Act)*.

#### 1. Background

Under section 37 of the Act, definitions for a 'politically exposed person' and 'specified official' is defined as following:

"**politically exposed person**" means an individual who is, or has at any time in the preceding 12 months been, entrusted with a **prominent public function**, including either of the following individuals (but not including any middle ranking or more junior official):

- (a) a specified official;
- (b) a member of the administrative, management or supervisory body of a state-owned enterprise;
- (c) any individual performing a prescribed function.

"**specified official**" means any of the following officials (including any such officials in an institution of the European Communities or an international body):

- (a) a head of state, head of government, government minister or deputy or assistant government minister;
- (b) a member of a parliament or of a similar legislative body;
- (bb) a member of the governing body of a political party;
- (c) a member of a supreme court, constitutional court or other high level judicial body whose decisions, other than in exceptional circumstances, are not subject to further appeal;
- (d) a member of a court of auditors or of the board of a central bank;
- (e) an ambassador, chargé d'affairs or high-ranking officer in the armed forces;
- (f) a director, deputy director or member of the board of, or performing the equivalent function in relation to, and international organisation.

#### 2. Updated General Definition of 'prominent public function'.

A 'prominent public function', in respect of such functions with the State and where not otherwise specified, shall be an office or other employment in a public body in respect of which the remuneration is not less than the lowest remuneration in relation to the provision of Deputy Secretary General in the Civil Service.

For the purposes of this definition, 'public body' shall not include courts.

### 3. Application of provisions to roles in the State

Provision	Application
'a member of the administrative, management or supervisory body of a state-owned enterprise'	'state-owned enterprise' is considered to be limited to commercial bodies and includes bodies listed on the 'Non-Financial Corporation Sector' within the Register of Public Sector Bodies as published and updated by the Central Statistics Office
'a head of state, head of government minister or deputy or assistant government minister'	Includes: <ol style="list-style-type: none"> <li>1) The President</li> <li>2) The Taoiseach</li> <li>3) Government Ministers and Ministers of State</li> </ol>
'a member of a parliament or of a similar legislative body'	Includes: <ol style="list-style-type: none"> <li>1) Members of Dáil Eireann</li> <li>2) Members of Seanad Eireann</li> </ol>
'a member of the governing body of a political party'	Members of the executive committee and any other executive offices (or equivalents) of any registered political party in the State which has registered under section 25 of the Electoral Act 1992 as amended.
'a member of a supreme court, constitutional court or other high level judicial body whose decisions, other than in exceptional circumstances, are not subject to further appeal'	Includes: <ol style="list-style-type: none"> <li>1) Judges of the Supreme Court</li> </ol>
'a member of a court of auditors or of the board of a central bank'	Includes: <ol style="list-style-type: none"> <li>1) Members of the Commission of the Central Bank of Ireland</li> </ol>
'an ambassador, chargé d'affairs or high-ranking officer in the armed forces'	Includes: <ol style="list-style-type: none"> <li>1) The most senior official of a foreign embassy in the State</li> <li>2) Officials from the State's diplomatic corps who hold an equivalent position to (1)</li> <li>3) The Chief of Staff and Deputy Chief of Staff of the Defence Forces</li> </ol>
'a director, deputy director or member of the board of, or performing the equivalent function in relation to, and international organisation'	'international organisation' refers to an organisation that is established by, or on the basis of, an agreement between two or more states. 'International organisation' refers to the organisation itself, and does not refer to an individual local office.

**Note** - These guidelines do not override any legal or regulatory requirements. They are subject in all cases to the 2010 Act. In the event of a conflict between these guidelines and the 2010 Act, the provisions of the 2010 Act prevail.