

Proceeds of Crime (Amendment) Act 2016 Post Enactment Report

The purpose of the Proceeds of Crime (Amendment) Act was to amend the Proceeds of Crime Act 1996 in order to provide additional powers to target the proceeds of crime.

The amendments provides that where a Bureau Officer is in a public place, or in another place where he is authorised or invited, or is carrying out a search, and finds property that he believes to be the proceeds of crime with a value not less that €5,000, then that Officer may seize the property for a period not exceeding 24 hours.

The Chief Bureau Officer may, during the 24 hour period, authorise the detention of the property for a period of up to 21 days, provided he:

1. Is satisfied that there are reasonable grounds for suspecting that the property, in whole or in part, directly or indirectly, constitutes the process of crime,
2. Is satisfied that there are grounds for suspecting that the total value of the property is not less than €5,000
3. Is satisfied that the Bureau is carrying out an investigation into whether or not there are sufficient grounds to make an application to the court for an Interim Order or an Interlocutory Order in respect of the property and
4. Has reasonable grounds for believing that the property, in whole or in part, may in the absence of an authorisation, be disposed of or otherwise dealt with, or have its value diminished, before such an application may be made.

The Criminal Assets Bureau has invoked its powers under Section 1A of the Proceeds of Crime (Amendment) Act 2016 on five such occasions, listed below.

Case 1: During 2016, the Bureau seized a vehicle under Section 1A and during the 21 day period was able to successfully bring an application under Section 2 & 7 of the Proceeds of Crime Act. Furthermore, the Bureau obtained a Section 3 under the Act which was a final determination that the vehicle was the proceeds of crime

Case 2: During 2016, the Bureau seized a vehicle under Section 1A and during the 21 day period was able to successfully bring an application under Section 2 & 7 of the Proceeds of Crime Act. Furthermore, the Bureau obtained a Section 3 under the Act which was a final determination that the vehicle was the proceeds of crime.

Case 3: During 2017, the Bureau seized €19,585 in cash under Section 1A and during the 21 day period was able to successfully bring an application under Section 2 & 7 of the Proceeds of Crime Act. The Bureau is currently awaiting to bring a Section 3 Order in this case.

Case 4: During 2017, the Bureau seized a vehicle under Section 1A and during the 21 day period was able to successfully bring an application under Section 2 & 7 of the Proceeds of Crime Act. The Bureau is currently awaiting to bring a Section 3 Order in this case.

Case 5: During 2017, the Bureau seized two vehicles under Section 1A and during the 21 day period was able to successfully bring an application under Section 2 & 7 of the Proceeds of Crime Act. The Bureau is currently awaiting to bring a Section 3 Order in this case.

Section 4 of the Act reduces the threshold value of property subject to the Proceeds of Crime Act 1996 from €13,000 to €5,000. The Bureau successfully used this power on two occasions since the enactment of the new legislation.