



An Roinn Dlí agus Cirt
Department of Justice

Definition of ‘prominent public functions’

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010

Issued to competent authorities on 20 January 2023

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1. Introduction

Section 37(12) of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (the 2010 Act), as inserted by the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2021, provides that:

The Minister [for Justice] may, with the consent of the Minister for Finance, issue guidelines to the competent authorities in respect of functions in the State that may be considered to be prominent public functions and each competent authority shall have regard to any such guidelines.

These guidelines are issued to competent authorities pursuant to section 37(12).

The 2010 Act (as amended) transposes Directive 2015/849 (as amended) ('the Directive').

The guidelines address the obligation under the Directive to issue lists indicating the functions which qualify as prominent public functions in the State.

The 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.

2. Legislative Provisions

Section 37 of the 2010 Act includes definitions for 'politically exposed person' and 'specified official':

"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 any 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 person performing the equivalent function in relation to, an international organisation.

3. General definition of 'prominent public function'

A 'prominent public function,' in respect of such functions within 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 position of Deputy Secretary General in the Civil Service¹.

¹ The pay scale for a Deputy Secretary is issued by the Department of Public Expenditure and Reform and is subject to change. The most up-to-date pay scale should be used for the purposes of identifying a person entrusted with a prominent public function. The current pay scale for a Deputy Secretary is set out in Department of Public Expenditure and Reform Circular 19/2022, available at <https://www.gov.ie/en/circular/0d4cf-192022-february-2nd-and-october-1st-2022/>

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

4. 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' or the '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, government minister or deputy or assistant government minister'	Includes: 1) The President 2) The Taoiseach 3) Government Ministers and Ministers of State
'a member of a parliament or of a similar legislative body'	Includes: 1) Members of Dáil Éireann 2) Members of Seanad Éireann
'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.

<p>'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'</p>	<p>Includes:</p> <ol style="list-style-type: none"> 1) Judges of the Supreme Court
<p>'a member of a court of auditors or of the board of a central bank'</p>	<p>Includes:</p> <ol style="list-style-type: none"> 1) Members of the Commission of the Central Bank of Ireland
<p>'an ambassador, chargé d'affairs or high-ranking officer in the armed forces'</p>	<p>Includes:</p> <ol style="list-style-type: none"> 1) The most senior official of a foreign embassy in the State 2) Officials from the State's diplomatic corps who hold an equivalent position to (1) 3) The Chief of Staff and Deputy Chief of Staff of the Defence Forces
<p>'a director, deputy director or member of the board of, or person performing the equivalent function in relation to, an international organisation'</p>	<p>'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.</p>