

PRIVATE MEMBERS' CLUBS

Application for a Certificate of Fitness and Probity - Persons who are **Ordinarily Resident** in the State

In accordance with sections 109A and 109B of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended ("the CJA 2010")

EXPLANATORY NOTE

Under the CJA 2010, an individual who effectively directs or is the beneficial owner of a private members' club at which gambling activities are carried on, must hold a certificate of fitness and probity (certificate of fitness). The term "beneficial owner" has the meaning assigned to it by sections 26 to 30 of the CJA 2010.

Where the applicant is ordinarily resident in the State i.e. the person's principal residence was in the State for the 12 months immediately preceding their application, certificates are granted by a Superintendent of An Garda Síochána. [*A separate application form is to be used if the applicant is not ordinarily resident in the State.*] The issuing Superintendent must be satisfied that the applicant is a fit and proper person.

A Garda vetting application form (<https://vetting.garda.ie>) must accompany this application form. As part of the Garda Vetting process an applicant must disclose any and all convictions. This disclosure must include such offences as driving offences, non-payment of a TV licence and public order offences, and includes the application of probation or community service. This covers offences in the Republic of Ireland.

If you lived in any jurisdiction other than the Republic of Ireland for 6 months or more it will be mandatory to provide security clearance for each jurisdiction in which you have resided stating that you have no convictions recorded against you while residing there.

Additionally, the applicant must enclose a copy of Government-issued photographic identification (preferably colour), proof of address (utility bill, bank statement or official Government-issued document dated within six months) and evidence that a notice of intent has been published in two daily newspapers circulating in the State not later than 14 days and not earlier than one month before making the application.

Tick the below boxes to confirm that the listed documents are submitted to An Garda Síochána with this form:

1. Completed Garda vetting invitation form and police certificates of no conviction from all countries that the applicant resided in for longer than six months.	
2. Copy of Government-issued photographic identification.	
3. Proof of address in the form of a utility bill, bank statement or official	

Government-issued document dated within six months.	
4. The CJA 2010 requires that between 14 days and not earlier than one month before applying to An Garda Síochána, the applicant has published a notice of intention to make the application in two daily newspapers circulating in the State. This form should be accompanied by a copy of the published newspaper notices. (See Schedule 1 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (Private Members' Club— Certificate of Fitness and Probity) Regulations 2021 for further information.)	

Note – For an application form to be considered complete it must include all the relevant documentation listed above. Only completed application forms will be accepted for consideration. Incomplete applications forms will not be processed by An Garda Síochána.

Name of applicant who effectively directs a Private Members' Club (PMC) at which gambling activity is carried out or who is a beneficial owner of a PMC:

Name and Location of the Private Members' Club associated with this Fit and Proper test:

DECLARATION BY THE APPLICANT

I, _____ (name of applicant) declare that:

1. I have truthfully and fully answered each question in this questionnaire, and have disclosed any and all other information, which might reasonably be considered relevant to this application.
2. I have not been convicted of an offence under:
 - (a) an enactment relating to excise duty on betting;
 - (b) the Gaming and Lotteries Acts 1956 to 2013;
 - (c) section 1078 of the Taxes Consolidation Act 1997;
 - (d) the Criminal Justice (Theft and Fraud Offences) Act 2001, or
 - (e) the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended.

3. I have not been convicted of an offence under the law of a place other than this State relating to the conduct of gambling or consisting of an act or omission that, if committed in this State, would constitute an offence referred to in paragraph 2.
4. I will immediately notify An Garda Síochána of any changes in the information which I have provided and confirm that I will inform An Garda Síochána in writing of the details of such changes and any other relevant/material information of which I may become aware at any time after the date of this Declaration.
5. I hereby authorise An Garda Síochána to make enquiries as to any convictions that may or may not be recorded against me.
6. This application includes any and all information relevant and material to my application for a fit and proper test. This application includes information pertaining to any relevant consideration as set out in S109C of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended.
7. I am aware that it is an offence and/or grounds for refusal of my application for a certificate of fitness granted on foot of the within application for me and/or the proposing entity:
 - (a) to knowingly or recklessly provide false or misleading information and/or
 - (b) to make a false or misleading statement (including the withholding by me of relevant information) in the within application for a certificate of fitness.
8. I am aware that it is grounds for refusal of my application for a certificate of fitness granted on foot of the within application for me and/or the proposing entity by failing to inform and/or withholding from An Garda Síochána any details of:
 - (i) any change in circumstances;
 - (ii) new information which is relevant and/or
 - (iii) information that is material to the status of an approved person that may lead to the rejection of this application.

Signature: _____

Date: _____

Position/Proposed Position: _____

SECTION 1
DETAILS OF THE PERSON PROPOSED

PLEASE TYPE or WRITE CLEARLY. APPLICATIONS WHICH CANNOT BE READ WILL BE RETURNED. If typing, handwritten signature or a qualified electronic signature (as recognised under EU Electronic Identification and Trust Services for Electronic Transactions in the Internal Market Regulation 2014 ("eIDAS") are still required).

All fields are to be completed.

A: Full Legal Name of the Applicant

First Name:
Surname:
Any other names or previous names:

B: Contact Details

Current Address:	
Email:	
Landline:	
Mobile:	

C: Other Details

Date of Birth:	
Nationality:	
Position:	
Are you the beneficial owner?	

SECTION 2
PROBITY, GOOD REPUTATION AND CHARACTER

Please tick Yes or No to each of the following questions. If the response to any question below is Yes, full details should be given on a separate sheet and referenced to the appropriate question.

1. Have you been convicted in the State or elsewhere, of any offence under: Yes No
- (a) an enactment relating to excise duty on betting;
- (b) the Gaming and Lotteries Acts 1956 to 2013;
- (c) section 1078 of the Taxes Consolidation Act 1997;
- (d) the Criminal Justice (Theft and Fraud Offences) Act 2001, or
- (e) the Criminal Justice (Money Laundering and Terrorist Financing) Acts 2010 as amended.
2. Have you previously been convicted an offence under the law of a place (other than the State)—
- (a) consisting of an act or omission that, if committed in the State, would constitute an offence referred to in 1(a) to 1(e) above), or Yes No
- (b) relating to the conduct of gambling.
3. Have you previously been refused a certificate of fitness? Yes No
4. If you have previously been refused a certificate of fitness, did you appeal the refusal to the District Court? Yes No
5. If you have previously been refused a certificate of fitness and appealed to the District Court, was the appeal successful? Yes No

Signature: _____

Date _____

Position/Proposed Position: _____

***Completed application forms should be returned to
the local Garda Superintendent***

Web: <https://www.garda.ie/en/Contact-Us/Station-Directory/>

‘Local’ means the district in which the applicant normally resides or the district in which the private member’s club is located or is proposed to be located under the CJA 2010.

Privacy Statement

The data you provide in this form is collected by An Garda Síochána and will be used to make a determination on an applicant’s fitness and probity under Sections 109B, 109C, 109D and 109E of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, as amended.

This data will be processed in accordance with An Garda Síochána personal data policies. For further information please visit <https://www.garda.ie/en/information-centre/data-protection/>.

You can request a copy of your personal data held by An Garda Síochána by returning a completed ‘Subject Access Request Form’ available from <https://www.garda.ie/en/about-us/online-services/data-protection-foi-police-certificates/an-garda-siochana-f20-october-2019-.pdf> to:

**An Garda Síochána
Data Protection Unit
Third Floor
89-94 Capel Street
Dublin 1
D01 E3C6**

END OF FORM