



An Roinn Dlí agus Cirt
Department of Justice

BOOKLET FOR APPLICANTS

PLEASE READ CAREFULLY

**Expressions of Interest for appointments to the
Trust or Company Service Provider (TCSP)
Appeal Tribunal**

Closing Date: 5pm on Friday 25 October 2024

Any queries in relation to this competition should be sent to TCSPAppeals@justice.ie

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Appointment to the TCSP Appeal Tribunal

Location: Trust or Company Service Provider (TCSP) Appeals Tribunal, Department of Justice, 51 St. Stephen's Green, Dublin 2, D02 HK52

Number of Vacancies: 3 (1 Chairperson + 2 ordinary members)

Remuneration: Tribunal members receive a per-case fee for each case they adjudicate. The Chair will be paid a fee of €536.25 per case. Ordinary members will be paid a fee of €235.91 per case.

Should travel be required in order to carry out the duties of the Appeal Tribunal, Travel and Subsistence is paid at Civil Service Rates, as published by the Department of Public Expenditure, NDP Delivery and Reform.

Time Requirements: Time requirements are dictated by the number of cases in a given year, which arise from the number of appeals in that year.

It is not possible to predict how many appeals there may be per year. However, as a point of reference, you should note the population of entities (TCSPs) that are in scope of this Appeal Tribunal was 441 as of end of 2023. In terms of TCSP authorisation activity, there were 67 applications for first authorisation and 116 renewal applications made to the Anti Money Laundering Compliance Unit (AMLCU) in 2023.

Potential cases for appeal may arise from decisions made by the AMLCU as Competent Authority on such applications or other appealable decisions by the Minister.

1. General

Under Section 60 of the [Criminal Justice \(Money Laundering and Terrorist Financing\) Act 2010 \(as amended in 2021\)](#) (“the Act”) the Minister for Justice is recognised as a ‘Competent Authority’ responsible for the monitoring of any designated persons known or suspected of having been engaged in, or currently engaging in money laundering or terrorist financing. Under Section 108 of the Act, the Minister has delegated the Minister’s Competent Authority functions to the Anti-Money Laundering Compliance Unit (AMLCU) of the Department of Justice. The AMLCU is responsible for administering the functions of a Competent Authority under the Act.

Section 101A of the Act (as amended) provides that an Appeal Tribunal be established to consider and determine appeals made pursuant to this Act. The Appeal Tribunal shall consist of a chairperson and such number of ordinary members as the Minister considers necessary for the efficient discharge of its functions.

2. Role and Functions of the Tribunal

The Act (as amended) provides that the Appeal Tribunal has responsibility to hear and determine appeals that are made by affected persons against a decision of the Minister (as carried out on the Minister’s behalf by the AMLCU). The appealable decisions provided for in section 100(1) of the Act are as follows:

- (a) section 89 to refuse an application for an authorisation,
- (b) section 89, as applied by section 92, to refuse an application for the renewal of an authorisation,
- (c) section 90 to impose conditions on an authorisation,
- (d) section 90, as applied by section 92, to impose conditions on an authorisation that is renewed,
- (e) section 93 to amend an authorisation,
- (f) section 97 to revoke an authorisation, or
- (g) section 98 to serve a direction on the holder of an authorisation.

The Appeal Tribunal has power to do whatever is necessary for or in connection with, or reasonably incidental to, the exercise of its jurisdiction.

The Appeal Tribunal is independent in the exercise of its functions under the Act and will regulate its own procedures. Section 100(2) to 100(9) of the Act sets out the functions and responsibilities of the Appeal Tribunal in relation to appeals as follows:

- (2) A person aggrieved by an appealable decision may, within one month after being served with notice of the decision, serve a notice of the person’s intention to

appeal against the decision on the Minister in the form provided or specified by the Minister.

(3) On receipt of the notification, the Minister shall refer the matter to an Appeal Tribunal established under section 101.

(4) The Appeal Tribunal may invite the person and the Minister to make written submissions to it in relation to the appeal.

(5) The Appeal Tribunal shall notify the person, in writing, of the following matters:

(a) the date and time of the hearing of the appeal;

(b) that the person may attend the hearing;

(c) that the person may be represented at the hearing by a barrister, solicitor or agent.

(6) An Appeal Tribunal may refuse to hear, or continue to hear, an appeal under this section if it is of the opinion that the appeal is vexatious, frivolous, an abuse of process or without substance or foundation.

(7) The Appeal Tribunal shall (unless the appeal is withdrawn, or discontinued or dismissed under subsection (6)) determine the appeal by—

(a) affirming the decision of the Minister to which the appeal relates, or

(b) substituting its determination for that decision.

(8) The Appeal Tribunal shall notify its determination in writing to the Minister and the person appealing.

(9) Within 3 months after the date on which an appeal is determined by an Appeal Tribunal, the Minister or person who appealed may appeal to the High Court on any question of law arising from the determination.

3. Terms of Appointment

The term of office of a member of the Tribunal will be 5 years. Appointed members of the Appeal Tribunal will be eligible for re-appointment for a second term not exceeding 5 years.

A member of the Appeal Tribunal may at any time resign his or her office by giving notice in writing to the Minister and the resignation shall take effect on and from the date of receipt of the notice.

A member of the Appeal Tribunal may be removed from office by the Minister for stated misbehaviour or if, in the opinion of the Minister, the member has become incapable through ill-health or otherwise of effectively performing the functions of the Appeal Tribunal.

If a member of the Appeal Tribunal dies, resigns, becomes disqualified or is removed from office, the Minister may appoint another person to be a member of the Appeal Tribunal to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Appeal Tribunal who occasioned the vacancy and shall hold office for the remainder of the term of office for which their predecessor was appointed.

Where a member of the Appeal Tribunal is (a) nominated as a member of Seanad Éireann; (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament; (c) regarded pursuant to Part XIII of the second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament; (d) elected or co-opted as a member of a local authority; (e) appointed to judicial office; or (f) appointed Attorney General, they will cease to be a member of the Tribunal.

Those appointed as Chair or Ordinary Member are not employees of the Department of Justice and are required to remain practising barristers and solicitors. They provide their services as a Tribunal Member on a part-time basis and are paid fees for specific tasks undertaken. The fee schedule is set out hereunder.

Though travel is unlikely to be a necessary requirement of appointees in carrying out their role(s), should this be required, travel and subsistence reimbursement in accordance with rates published by the Department of Public Expenditure and Reform from time to time for the civil service will be provided for essential travel.

Fee payments:

Tribunal members receive a per-case (paid by transfer) for each case they adjudicate.

The current per case rates are: – **Chairperson:** €536.25 per case;
 – **Ordinary Member:** €235.91 per case.

4. Person Specification

The Minister for Justice hereby invites Expressions of Interest from eligible persons for consideration for appointment to one of three positions – one Chairperson and two Ordinary Members – of the Appeal Tribunal.

Eligible applicants may apply for either or both of the positions of Chairperson and Ordinary Member.

Applicants must:

- a) Be a practising barrister or solicitor and remain such for the period of appointment, and
- b) Have at least 10 years' experience in practice post-graduation at the time of application.

The following is also required:

- c) Ordinary member applicants must possess significant senior level experience which demonstrates a proven specialist knowledge or skill in relation to company and / or anti-money laundering and terrorist financing law, and
- d) Chairperson applicants must also possess this experience as well as demonstrate previous leadership experience in chairing Tribunal or similar adjudicative bodies. The chair will also have responsibility for regulating the procedures of the tribunal.

Applicants must demonstrate that they meet the above requirements in addition to the following specifications essential for the role, in their cover letter and CV:

- Ability to read, analyse and comprehend complex summaries of evidence in the course of preparing for and the holding of a hearing;
- Knowledge and understanding of the requirements of anti-money laundering and terrorist financing legislation that comes within the appeal remit of the Tribunal;
- Ability to conduct a hearing with due regard to fair procedures;
- Ability to take an active part at hearings, keep proper note of and to write clear, coherent decisions founded on established legal principles;
- Ability to work independently and as a team member;
- Ability to communicate effectively, both orally and in writing;
- Sound judgment;
- High ethical standards and integrity;
- Respect, fairness and impartiality;
- Tact and discretion.

In order to qualify for appointment a person must not have any legal impediment or conflicts of interest likely to interfere with their ability to assume the role of a member of the Board. Please give careful consideration to the possibility of any potential conflict of interest that may exist and clearly address this in your cover letter. The Assessment Panel may decide, based on the perceived level of conflict, not to forward your name for consideration.

It is the responsibility of applicants to ensure that they meet the specified eligibility criteria.

Please note that where an applicant is shortlisted, receives an invitation to a meeting/interview, or is placed on a panel, this does not constitute acceptance of eligibility for appointment to the Tribunal.

5. The Application Process

Expressions of interest should be submitted by email to TCSPAppeals@justice.ie by **5pm on Friday 25 October 2024.**

An expression of interest should include:

- a cover letter expressing interest and outlining suitability and relevant experience for the role; and
- a detailed CV.

NB: Late or incomplete applications will not be accepted under any circumstances.

(Please note the Department of Justice will not be responsible for refunding any expenses incurred by candidates).

The onus is on applicants to ensure that they have correctly submitted their applications.

IMPORTANT NOTE

Please take care when submitting your expression of interest that you ensure your Cover Letter (and supporting CV) clearly specifies how your particular background and experience meets the requirements of the Tribunal position(s) specified in this booklet, confirms your availability, and specifies your position regarding any conflict of interest.

This will help ensure that the Assessment Panel is as informed as possible as to the basis for your candidature and why you believe you are a person who could potentially be appointed to the Appeal Tribunal. If you have any questions regarding the application process please email TCSPAppeals@justice.ie.

6. The Selection Process

An Assessment Panel (“the Panel”) of three persons will be convened by the Department of Justice to consider and assess the expressions of interest received by the Department. The Panel will:

- review and discuss the expressions of interest received against the specific appointment criteria for the role, as advertised in this Information Booklet;
- assess potential candidates further once they meet the specified appointment criteria by undertaking any or all of the following steps:
 - Consideration of the written applications; and/or
 - Meeting / Conference call (where considered necessary); and/or
 - Referee checks; and/or
 - Any other selection or verification method deemed appropriate (this may include the Department requiring statutory declarations from shortlisted applicants as to the bona fides of the qualifications and experience contained in their applications).

Following this, the Assessment Panel will arrive at a shortlist of the most suitably qualified candidates to be sent forward for consideration by the Minister for Justice. The applications provided by the applicants recommended for the positions will be submitted to the Minister along with the Assessment Panel’s recommendations. The Minister will consider the recommendations and will decide whom to appoint. The final decision on appointments will be at the sole discretion of the Minister. All other things being equal, the need for a balance in terms of gender will be taken into account by the Minister in deciding appointments.

7. Canvassing

Applicants should note that canvassing by or on behalf of an applicant will disqualify the applicant and will result in their exclusion from the selection process.

8. Confidentiality

Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence. All enquires, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside those directly involved in that aspect of the process.

The Department of Justice will process all personal data in compliance with the Data Protection Acts 1988 to 2018 and the provisions of the General Data Protection Regulation. For further information please refer to the ‘Candidate Privacy Statement’ in Appendix A of this notice.

Appendix A

This Candidate Privacy Notice has been prepared for candidates applying for appointments in the Appeals Tribunal. Candidates are requested to familiarise themselves with this document.

Candidate Privacy Notice

Introduction

1. The data you provide is collected by the Department of Justice (DoJ). The data controller for the information you provide is the Department of Justice and the data controller's contact details are:

Department of Justice,
Criminal Justice Service Delivery,
51 St. Stephen's Green, Dublin 2, D02 HK52
TCSPApeals@justice.ie

How will your personal data be used?

2. The DoJ will use the personal data you provide in this form for the following purpose(s):
 - Assessing expressions of interest against the specific appointment criteria.
 - Creating a shortlist of candidates for consideration by the Minister for Justice.

Legal Basis for processing your Personal Data

3. Our legal basis for collecting and processing this data is as follows:

Article 6(1)(c) GDPR – Compliance with a Legal Obligation

- to establish an Appeals Tribunal as provided for in section 101A Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (as amended in 2021).

Further processing of your Personal Data

4. Where it is necessary and proportionate to do so, in accordance with the Data Protection Act 2018 and the GDPR, further personal data may be requested or received from / provided to other organisations / Public Authorities / competent authorities¹ / international organisations for the purpose of
 - Further assessment of suitably qualified candidates, including reference checks and verification of statutory declarations.
5. We may also process your personal data for research or statistical purposes as allowed under the Data Protection Act 2018 and the GDPR.

Contact for Queries

6. The contact for any queries in relation to this form is

Department of Justice,
Criminal Justice Service Delivery,
51 St. Stephen's Green, Dublin 2, D02 HK52
TCSPApeals@justice.ie

How long will Personal Data be retained?

7. This data will be stored in accordance with the requirements of the National Archives Act 1986.

¹ A competent authority means:

A public authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties in the State, including the safeguarding against, and the prevention of, threats to public security, or

Any other body or entity authorised by law to exercise public authority and public powers for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties in the State, including the safeguarding against, and the prevention of, threats to public security.

How to Request a copy of your Personal Data

8. You can request a copy of your personal data by completing a Subject Access Request (SAR) form, available:
 - At <https://www.gov.ie/en/organisation-information/fd31f0-protecting-personal-data-in-the-department-of-justice/> or
 - from the Data Protection Support and Compliance Office (DPSCO) at the address below.

Forward the completed form by email to subjectaccessrequests@justice.ie or by post to the DoJ Data Protection Officer at the address below. You will be required to verify your identity before the data can be forwarded to you. The time limit for responding to a SAR commences once your identity has been verified.

Your Rights in relation to your Personal Data

9. You have the right to rectify any inaccuracies in your data. To do this you should write to

Department of Justice,
Criminal Justice Service Delivery,
51 St. Stephen's Green, Dublin 2, D02 HK52
TCSPApeals@justice.ie

documenting the inaccuracies which need to be rectified. The right to rectification is not absolute and each request will be considered on its own merits.

10. You have the right, where appropriate, to obtain erasure of your data and/or a restriction on the processing of your data as well as the right to object to the processing of your data. The right to erasure, restriction or objection is not absolute and each request will be considered on its own merits.
11. You have the right to lodge a complaint with the Data Protection Commission (DPC). You can contact the DPC by webforms on their website www.dataprotection.ie or by post to:

21 Fitzwilliam Square South
Dublin 2
D02 RD28

Further details in relation to your data protection rights can be found in the [Department of Justice Data Protection Policy](#).

Contact the DPO

You can contact the Data Protection Officer (DPO) for the Department of Justice by post at:

The Data Protection Officer,
Department of Justice,
51 St. Stephen's Green,
Dublin 2, D02 HK52.

Or by email at:

dataprotectioncompliance@justice.ie