



9 January 2012

Enforcement 1 Division
Central Bank of Ireland
Block D, Iveagh Court
Harcourt Road
Dublin 2

By e-mail to ASPConsultationPaper@centralbank.ie

Re: Inquiry Guidelines CP57

Dear Sirs,

Compliance Ireland welcomes the opportunity to comment on Consultation Paper 57 *Inquiry Guidelines to be prescribed pursuant to Section 33BD of the Central Bank Act 1942 (as amended)*.

The Central Bank (the "Bank") is to be commended for the significant amount of work put into the Draft Inquiry Guidelines (the "draft Guidelines"), in particular clarifying the obligations and powers stipulated by Part IIIc of the Central Bank Act of 1942 (the "Act").

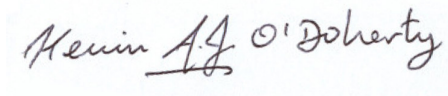
For ease of reference we have utilised the same paragraph numbering for our comments as appear in the draft Guidelines.

- 2.1 We note the requirement in Section 33AN of the Act that notifications be issued in writing. We would suggest that this does not prohibit other forms of communication, in addition to the formal notification in writing. We suggest that Notices of Inquiry could as a matter of convenience for all parties be sent by e-mail, in addition to the formally-required notification by registered post.
- 3.2 We note the intention to publish a notice on the Bank's website advising the time and location of inquiries to be held in public. We would suggest this publication be in a reasonably prominent position, such as the Enforcement home page on the website.
- 3.2 The draft Guidelines do not appear to contain any provision for the lodging with the Bank of any written submissions that a third party wishes the Bank to take into account when considering the matter to which the inquiry relates, as provided for in Section 33AP(3) of the Act.
- 3.5 We note the statement that the *"respondent may choose to be represented at the Inquiry by counsel and/or a solicitor or, with the leave of the Panel, any other person. The Central Bank may be similarly represented."* We note that Section 33AY(3) of the Act provides that the Central Bank may only be assisted by rather than represented by a legal practitioner. Section 33AY(3) of the Act does not provide for the Central bank to be assisted by a person other than a legal practitioner.

- 3.19 There does not appear to be a current basis in the Act for the assertion that answers given “shall not be admissible as evidence against a person in criminal proceedings, other than for perjury”. We note the intention to introduce such a provision in legislation in the future.
- 3.20 There does not appear to be a current basis in the Act for non-compliance with, obstruction of, or the provision of false or misleading information to a Panel to constitute an offence. We note the intention to introduce such a provision in legislation in the future.
- 4.3 We note the requirement in Section 33AN of the Act that notifications be issued in writing. We would suggest that this does not prohibit other forms of communication in addition to the formal notification in writing. We suggest that notifications of the Panel could as a matter of convenience for all parties be sent by e-mail in addition to the formally-required notification by registered post.
- 4.6 There does not appear to be a current basis in the Act for the suspension or revocation of a regulated financial service provider’s authorisation as part of the administrative sanctions process. It is acknowledged that such powers are granted elsewhere to the Central Bank in its supervisory capacity. We note the intention to introduce such provisions in legislation in the future.
- 4.8 The provisions for monetary penalties set out in this paragraph exceed the maximums currently provided for in Sections 33AQ(4) and (6) of the Act. We note the intention to increase such maximums in legislation in the future.

We thank you for the opportunity to comment on this Consultation Paper and we look forward to the publication of the finalised Guidelines in due course.

Yours faithfully,



Kevin O’Doherty
Director
Compliance Ireland Regulatory Services Limited