



**AN BILLE UM AN DLÍ COIRIÚIL (IMEACHTAÍ  
 CIORRAITHE COIL) (UIMH. 2), 1995**  
**CRIMINAL LAW (INCEST PROCEEDINGS) (NO. 2) BILL,  
 1995**

*Mar a tionscnaíodh  
 As initiated*

**ARRANGEMENT OF SECTIONS**

**Section**

1. "Act of 1908".
2. Extent of application of section 5 of Act of 1908.
3. Application of section 6 of Criminal Law (Rape) Act, 1981,  
 in certain cases.
4. Short title.

**ACTS REFERRED TO**

Criminal Law (Rape) Act, 1981	1981, No. 10
Criminal Law (Rape) (Amendment) Act, 1990	1990, No. 32
Punishment of Incest Act, 1908	1908, c. 45

(a) section 6 (inserted by the Act of 1990) of the Criminal Law (Rape) Act, 1981, shall apply to the proceedings as if the first-mentioned offence was an offence referred to in the said section 10, and

(b) section 2 of the Act of 1908 shall not apply to those proceedings.

(2) In this section "the Act of 1990" means the Criminal Law (Rape) (Amendment) Act, 1990.



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CIORRAITHE COIL) (UIMH. 2), 1995  
CRIMINAL LAW (INCEST PROCEEDINGS) (NO. 2) BILL,  
1995

# BILL

5

*entitled*

AN ACT TO AMEND THE PUNISHMENT OF INCEST ACT,  
1908, AND TO PROVIDE FOR A RELATED MATTER.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

“Act of 1908”.

1.—In this Act “the Act of 1908” means the Punishment of Incest Act, 1908. 10

Extent of application of section 5 of Act of 1908.

2.—(1) Subject to *section 3* of this Act, notwithstanding section 5 of the Act of 1908, in any proceedings under that Act, the verdict or decision, and the sentence (if any), concerned shall be announced in public but anything likely to lead members of the public to identify a person involved in the proceedings shall not be otherwise published. 15

(2) Nothing in the said section 5 shall be construed as prohibiting the publication of reports of proceedings under the Act of 1908 that do not identify, or include anything likely to lead members of the public to identify, a person involved in the proceedings and do not include information that the judge or the court has directed should not be made public. 20

Application of section 6 of Criminal Law (Rape) Act, 1981, in certain cases.

3.—(1) Where the same proceedings relate or, at any time, related to both an offence under the Act of 1908 and an offence referred to in section 10 of the Act of 1990— 25

(a) section 6 (inserted by the Act of 1990) of the Criminal Law (Rape) Act, 1981, shall apply to the proceedings as if the first-mentioned offence was an offence referred to in the said section 10, and

(b) section 5 of the Act of 1908 shall not apply to those proceedings. 30

(2) In this section “the Act of 1990” means the Criminal Law (Rape) (Amendment) Act, 1990.

4.—This Act may be cited as the Criminal Law (Incest Short title, Proceedings) Act, 1995.

**BILL**

(as introduced)

enacted

*Purpose of the Bill*

An Act to amend the Punishment of Incest Act, 1908, and to provide for a related matter.

Criminal Court and in particular the ruling that section 1 of the Punishment of Incest Act, 1908 precludes the revelation of the name and sentence (if any) in a case of incest.

*Section 1*

Section 1 is a drafting-provision which allows for an abbreviated reference to the Punishment of Incest Act, 1908.

*Section 2*

Section 2 (1) ensures that in every case of incest the verdict and sentence (if any) has to be announced in public. This will ensure that the fact that an incest case has taken place and the outcome of the case will be a matter of public record. It will also ensure that persons with a legitimate interest in the outcome of a particular case will be able to establish whether or not the accused has been convicted and sentenced. However section 2 (2) will not disclose the identities of the

Presented by Minister Maurice Manning  
14th March, 1995

The recent rulings could be interpreted as meaning that no report of incest proceedings (including an appeal against conviction) can be published in the form of law reports. A total ban on all forms of reporting could prevent important legal and social issues being brought into the public domain. Subsection (2) is intended to make it clear that incest proceedings may be reported in due course either in the form of law reports or otherwise provided the identity of the parties are protected and confidential information is not revealed.

*Section 3*

Section 2 will only be of relevance in cases where the sole charge is incest or where it is joined with an offence other than rape or aggravated sexual assault. In cases of incest or incest joined with aggravated sexual assault it would be normal to have a joint trial and if incest is joined with an offence other than incest or incest joined with aggravated sexual assault it would be normal to have a joint trial.

proceedings to be held in camera in the Punishment of Incest Act, to proceedings where rape and incest are charged. This means that the public are excluded from the trial and the verdict and sentence may be announced in public.



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(IMEACHTAÍ CIORRAITHE COIL) (UIMH.  
2), 1995

CRIMINAL LAW (INCEST PROCEEDINGS)  
(NO. 2) BILL, 1995

**BILLE**

(*mar a tionscnaíodh*)

*dá ngairtear*

Acht do leasú an *Punishment of Incest Act, 1908*, agus do dhéanamh socrú i dtaobh ní ghaolmhair.

**BILL**

(*as initiated*)

*entitled*

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*An Seanadóir Muiris Ó Mainnín a thíolaic,*  
14 Márta, 1995

*Presented by Senator Maurice Manning,*  
14th March, 1995

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Application of section 6 of Criminal Law (Rape) (Amendment) Act, 1990, in certain cases.

3.—(1) Where the same proceedings relate or, at any time, related to both an offence under the Act of 1908 and an offence referred to in section 10 of the Act of 1990,

(a) section 6 (inserted by the Act of 1990) of the Criminal Law (Rape) (Amendment) Act, 1990, shall apply to the proceedings as if the first-mentioned offence was an offence referred to in the

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2, nó trí aon díoltóir leabhar.

DUBLIN:  
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

(Rape) (Amendment) Act, 1990.

60p

ISBN 0-7076-0790-6



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