



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

*Mar a ritheadh ag Seanad Éireann
As passed by Seanad Éireann*

ARRANGEMENT OF SECTIONS

Section

1. "Act of 1908".
2. Exclusion of public from hearings of proceedings under Act of 1908.
3. Anonymity of person charged with offence under Act of 1908 and person to whom offence relates.
4. Provisions in relation to offences under *section 3*.
5. Amendment of section 1 of Act of 1908.
6. Repeal of section 5 of Act of 1908.
7. Short title.

3.—(1) After a person is charged with an offence under the Act of 1908, no matter likely to lead members of the public to identify that person as the person charged or to identify any other person as a person in relation to whom the offence is alleged to have been committed shall be published in a written publication available to the public or broadcast.

Anonymity of person charged with offence under Act of 1908 and person to whom offence relates.

(2) If any matter is published or broadcast in contravention of subsection (1) of this section, the following persons shall be guilty of an offence namely:

(a) in the case of matter published in a newspaper or periodical publication, the proprietor, the editor and the publisher thereof;

(b) in the case of matter published in any other written publication, the publisher thereof, and

ACTS REFERRED TO

AN BILLE UM AN DLÍ COIRIÚIL
(IMEACHTAÍ GORRAITHÉ COIL)
Criminal Justice Act, 1993
Punishment of Incest Act, 1908

CRIMINAL LAW (INCEST PROCEEDINGS)
(NO. 2) BILL, 1995
1993, No. 6
1908, c. 45



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

(mar a leaslaodh i gCoiste) (as amended in Committee)

dá ngairtear Mar a ritheadh ag Seanad Éireann entitled

Acht do leasú an *Punishment of Incest Act, 1908*, An Act to amend the Punishment of Incest Act, 1908, and to provide for related matters. agus do dhéanamh socrú i dtaobh nithe 1908, and to provide for related matters. gaoimhara.

ARRANGEMENT OF SECTIONS

Section	
1. "Act of 1908."	
2. Exclusion of public from hearings of proceedings under Act of 1908.	
3. Anonymity of person charged with offence under Act of 1908 and person to whom offence related.	<i>Senator Maurice Manning</i>
4. Provisions in relation to offences under section 3.	
5. Amendment of section 1 of Act of 1908.	
6. Revocation of section 2 of Act of 1908.	<i>Printed by Seanad Éireann to be printed 5th April 1995 Short title.</i>

Ordaladh ag Seanad Éireann a chlóbhualaadh, 5 Aibreán, 1995

BAILE ÁTHA CLAITHE
ARNA FHOILSIÚ AG OIBRÍ AN SOLÁTHAIR

Le coimeasach díreach de Oifig Dhálaí Póilneacháin Náisiúla, Teach Seo Alliance, Seán Tráish Leighean, Baile Átha Cliath 2, nó ar an dílalláir tráthair.

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CIORRAITHE COIL) (UIMH. 2), 1995

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

BILL

entitled

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

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

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

“Act of 1908”.

25 2.—(1) In any proceedings for an offence under the Act of 1908,
the judge or the court, as the case may be, shall exclude from the
15 court during the hearing all persons except officers of the court, per-
sons directly concerned in the proceedings, *bona fide* representatives
of the press and such other persons (if any) as the judge or the court,
as the case may be, may, in his, her or its discretion, permit to remain.

Exclusion of public
from hearings of
proceedings under
Act of 1908.

20 (2) In any proceedings to which *subsection (1)* of this section
applies the verdict or decision and the sentence (if any) shall be
announced in public.

25 3.—(1) After a person is charged with an offence under the Act
of 1908, no matter likely to lead members of the public to identify
that person as the person charged or to identify any other person as
a person in relation to whom the offence is alleged to have been
20 committed shall be published in a written publication available to
the public or broadcast.

Anonymity of
person charged with
offence under Act
of 1908 and person
to whom offence
relates.

(2) If any matter is published or broadcast in contravention of
subsection (1) of this section, the following persons shall be guilty of
an offence namely:

30 (a) in the case of matter published in a newspaper or periodical
publication, the proprietor, the editor and the publisher
thereof;

20 (b) in the case of matter published in any other written publi-
cation, the publisher thereof, and

(c) in the case of matter broadcast, any person who transmits or provides the programme in which the broadcast is made and any person who performs functions in relation to the programme corresponding to those of the editor of a newspaper. 5

(3) Nothing in this section shall be construed as—

(a) prohibiting the publication or broadcasting of matter consisting only of a report of legal proceedings other than proceedings at, or intended to lead to, or an appeal arising out of, a trial of a person for an offence under the Act of 1908, or 10

(b) affecting any prohibition or restriction imposed by virtue of any other enactment upon the publication or broadcasting of any matter.

(4) In the section— 15

“broadcast” means broadcast by wireless telegraphy of sound or visual images intended for general reception, and cognate words shall be construed accordingly;

“written publication” includes a film, or a recording (whether of sound or images or both) in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings. 20

Provisions in relation to offences under section 3.

4.—(1) A person guilty of an offence under section 3 of this Act shall be liable— 10

Exclusion of public from hearings of proceedings under Act of 1908.

(a) on conviction on indictment, to a fine not exceeding £10,000 or to imprisonment for a term not exceeding 3 years or to both, or 25

(b) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both. 30

Anonymity of person charged with offence under Act of 1908 and person to whom offence relates.

(2) (a) Where an offence under section 3 of this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 35 40

(b) Where the affairs of a body corporate are managed by its members, paragraph (a) of this subsection shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate. 45

(3) It shall be a defence for a person who is charged with an offence under section 3 of this Act to prove that at the time of the alleged offence the person was not aware, and neither suspected nor had reason to suspect, that the matter alleged to have been published or broadcast was matter specified in the said section 3. 50

5.—Section 1 of the Act of 1908 is hereby amended—

Amendment of section 1 of Act of 1908.

(a) in subsection (1), by the substitution of "life" for "a term not exceeding 20 years" (inserted by the Criminal Justice Act, 1993) and "felony" for "misdemeanour", and

5 (b) by the deletion of subsection (3).

6.—Section 5 of the Act of 1908 is hereby repealed.

Repeal of section 5 of Act of 1908.

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

Short title.

ARRANGEMENT OF SECTIONS

Section

1. "Act of 1908".

2. Exclusion of public from hearings of proceedings under Act

3. Anonymity of person charged with offence under Act of 1908 and person to whom offence relates.

4. Provisions in relation to offences under section 1.

6. Provisions in relation to offences under section 5.

7. Short title.

ARHA PROIARU AG OPIO AN ROLATIAIR

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

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

BILLE

dá ngairtear

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

BILL

entitled

An Act to amend the *Punishment of Incest Act, 1908*, and to provide for related matters.

An Seanadóir Muiris Ó Mainnín a thíolaic

Presented by Senator Maurice Manning

Ritheadh ag Seanad Éireann,
27 Aibreán, 1995

Passed by Seanad Éireann,
27th April, 1995

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón-Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean,
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