



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

*Mar a ritheadh ag dhá Theach an Oireachtais  
As passed by both Houses of the Oireachtas*

**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.

(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.

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.

(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

Criminal Justice Act, 1993

1993, No. 6

Punishment of Incest Act, 1908

1908, c. 45



AN BILL E UM AN DLI COIRIÚIL (Criminal Law (Incest Proceedings) Bill, 1995)

CRIMINAL LAW (INCEST PROCEEDINGS) BILL, 1995

de ngairtear

entitled

Acht do leasú an Punishment of Incest Act, 1908 agus do dhéanamh na h-ádhadán a bhaineann le gaolmhara. An Act to amend the Punishment of Incest Act and to provide for related matters.

ARRANGEMENT OF SECTIONS

- 1. "Act of 1908."
- 2. Exclusion of public from hearings of proceedings under Act of 1908. *Presented by Senator Maurice Manning*
- 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. *Presented by Senator Maurice Manning*
- 6. Repeal of section 2 of Act of 1908.
- 7. Short title.

BAILE ÁTHA CLÉIRÍ  
ARNA PHOILSIÚ AG OIFIG AMHOLÁTHAIR

Le reamhach ádhadán do Oifig Dhálaí Póilíníúcháin Rialála, Teach San Ádhadán, Woid Thruaí Láthra, Baile Átha Cléirí 2, nó ar líon ádhadán ádhadán.

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AN BILLE UM AN DLÍ COIRIÚIL (IMEACHTAÍ)  
 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 of 1908”.  
 Act, 1908.
- 25 **2.**—(1) In any proceedings for an offence under the Act of 1908, Exclusion of public  
 the judge or the court, as the case may be, shall exclude from the from hearings of  
 court during the hearing all persons except officers of the court, per- proceedings under  
 15 sons directly concerned in the proceedings, *bona fide* representatives Act of 1908.  
 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.
- (2) In any proceedings to which *subsection (1)* of this section  
 20 applies the verdict or decision and the sentence (if any) shall be  
 announced in public.
- 30 **3.**—(1) After a person is charged with an offence under the Act Anonymity of  
 of 1908, no matter likely to lead members of the public to identify person charged with  
 that person as the person charged or to identify any other person as offence under Act  
 a person in relation to whom the offence is alleged to have been of 1908 and person  
 25 committed shall be published in a written publication available to to whom offence  
 the public or broadcast. 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,
- (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.

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(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

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(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—

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“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.

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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—

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(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

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

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(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.

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(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.

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(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.

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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 Short title. Proceedings) Act, 1995.

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AN BILLE UM AN DLÍ COIRIÚIL  
(IMEACHTAÍ CIORRAITHE COIL)  
(UIMH. 2), 1995

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

(3) Nothing in this section shall apply to any proceedings in which the defendant is charged with an offence under section 3 of this Act.

(a) prohibiting the publication or broadcasting of matter connected with proceedings at, or intended to lead to, or an appeal arising out of, a trial of a person for an offence under section 3 of this Act.

**BILLE**

**BILL**

*dá ngairtear*

*entitled*

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

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

"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.

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—

*Ritheadh ag dhá Theach an Oireachtais,*  
*28 Meitheamh, 1995*

*Passed by both Houses of the Oireachtas,*  
*28th June, 1995*

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

(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 the first-mentioned offence.

BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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