



**BILLE ROGHCHOISTE UM REACHTAÍOCHT AGUS
SLÁNDÁIL DHÁIL ÉIREANN (PRIBHLÉID AGUS
DÍOLÚINE), 1994**
**SELECT COMMITTEE ON LEGISLATION AND SECURITY
OF DÁIL ÉIREANN (PRIVILEGE AND IMMUNITY) BILL,
1994**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
 2. Privileges and immunities of witnesses, etc. before the committee.
 3. Rights of witnesses before the committee.
 4. Rights of certain other persons before the committee.
 5. Costs and expenses.
 6. Short title, commencement and cesser.
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SELECT COMMITTEE ON LEGISLATION AND SECURITY
OF DÁIL ÉIREANN (PRIVILEGE AND IMMUNITY) BILL, 5
1994**

BILL

entitled

AN ACT TO MAKE PROVISION REGARDING PRIVILEGE
AND IMMUNITY OF WITNESSES BEFORE THE SELECT 10
COMMITTEE ON LEGISLATION AND SECURITY OF
DÁIL ÉIREANN IN THE PERFORMANCE OF CERTAIN
OF ITS FUNCTIONS AND TO PROVIDE FOR RELATED
MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 15

Definitions.

1.—In this Act—

“the committee” means the Select Committee on Legislation and
Security of Dáil Éireann while engaged in the performance of the
functions assigned to it by order of Dáil Éireann made on the 6th
day of December, 1994; 20

“document” includes thing.

Privileges and
immunities of
witnesses, etc.
before the
committee.

2.—(1) A person whose evidence has been, is being or is to be
given before the committee or who, at its request, produces or sends
a document to the committee shall be entitled to the same privileges
and immunities as if the person were a witness before the High Court 25
and the document shall be privileged.

(2) The privileges and immunities of a person under *subsection*
(1) shall not be diminished by reason of the fact that—

(a) members of the public are present at the sitting concerned 30
of the committee,

(b) the proceedings of the committee are being broadcast to the
public or a section of the public by radio or television or
other means or are being recorded for that purpose,

(c) reports of the proceedings are published to the public or a 35
section of the public by any means, or

(d) persons are present at sittings of the committee for the purpose of preparing reports of its proceedings for publication by any means.

5 (3) A statement or admission made by a person before the committee, or a document produced or sent by a person to the committee at its request, shall not be admissible as evidence against the person in any criminal proceedings and *subsection (1)* shall be construed and have effect accordingly.

3.—(1) A witness before the committee—

Rights of witnesses before the committee.

10 (a) may, in person or through a legal representative—

(i) appear before, and make submissions (including submissions in writing) to, the committee,

(ii) require the committee—

15 (I) to request the attendance of specified persons before the committee to give evidence to it, and

(II) to request the appropriate persons to produce or send specified documents to it,

and

20 (b) may examine witnesses before the committee pursuant to *paragraph (a)* and cross-examine any other witnesses before the committee, and

25 (c) shall, before giving evidence to the committee, be furnished by or on behalf of the committee with a statement of the evidence given or then proposed to be given to the committee by any other witnesses before the committee and a copy of any documents produced or sent to the committee, and

30 (d) in case, after the witness has given evidence to the committee, it is proposed that any evidence other than that referred to in *paragraph (c)* should be given to the committee or any document other than those so referred to is produced or sent to the committee, shall be furnished, as soon as may be, by or on behalf of the committee with a statement of that evidence or, as the case may be, a copy of that document.

(2) The committee shall comply with a requirement under *subsection (1)* of this section.

40 4.—(1) Where, in the course of proceedings before the committee, a person (other than a witness before the committee) is referred to by name or in such other manner as to be capable of being identified, the person—

Rights of certain other persons before the committee.

(a) may, with the consent of the committee, give evidence, and produce or send documents, to it, and

(b) may, in person or through a legal representative—

45 (i) with the consent of the committee, appear before, and make submissions (including submissions in writing) to, the committee,

(ii) require the committee—

- (I) to request the attendance of specified persons before the committee to give evidence to it, and
- (II) to request the production or sending of specified documents to it,

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and

(iii) examine witnesses before the committee pursuant to *subparagraph (ii)* of this paragraph and, with the consent of the committee, cross-examine any other witnesses before the committee,

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for the purpose of—

- (A) correcting any mistake of fact or misstatement relating to or affecting the person made in the proceedings,
- (B) defending the person in relation to any allegation or charge, or defamatory or untrue statement, made in the proceedings, or
- (C) protecting and vindicating the personal rights of the person.

(2) Where, in the course of proceedings before the committee, a person who is not present at the sitting concerned is referred to by name or in such other manner as to be capable of being identified, the committee shall, if, in the interests of justice, it considers it appropriate to do so, cause a transcript of the relevant part of the proceedings to be furnished to the person.

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(3) The committee shall make a request under *subsection (1)* of this section or give its consent under that subsection only if it considers that, in the interests of justice, it is necessary or expedient to do so for any of the purposes specified in that subsection.

Costs and expenses.

5.—The Minister for Finance shall provide for the payment, out of moneys provided by the Oireachtas, of any reasonable costs and expenses incurred by a person in respect of the appearance of the person, in person or by a legal representative, before the committee or the giving of evidence, or the production or sending of a document, by the person to the committee.

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Short title, commencement and cesser.

6.—(1) This Act may be cited as the Select Committee on Legislation and Security of Dáil Éireann (Privilege and Immunity) Act, 1994.

(2) If Dáil Éireann resolves that this Act shall come into operation on a day specified in the resolution, this Act shall come into operation on that day.

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(3) If Dáil Éireann resolves that this Act shall cease to be in operation as on and from a day specified in the resolution, this Act shall cease to be in operation as on and from that day.

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BILLE ROGHCHOISTE UM
REACHTAÍOCHT AGUS SLÁNDÁIL
DHÁIL ÉIREANN (PRIBHLÉID AGUS
DÍOLÚINE), 1994

BILLE

(*mar a tionscnaíodh*)
dá ngairtear

Acht do dhéanamh forála maidir le pribhléid agus díolúine finnétithe os comhair Roghchoiste um Reachtaíocht agus Slándáil Dháil Éireann i gcomhlíonadh feidhmeanna áirithe dá chuid agus do dhéanamh socrú le haghaidh nithe gaolmhara.

An tAire Airgeadais a thólaic,
8 Nollaig, 1994

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

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SELECT COMMITTEE ON LEGISLATION
AND SECURITY OF DÁIL ÉIREANN
(PRIVILEGE AND IMMUNITY) BILL, 1994

BILL

(*as initiated*)
entitled

An Act to make provision regarding privilege and immunity of witnesses before the Select Committee on Legislation and Security of Dáil Éireann in the performance of certain of its functions and to provide for related matters.

Presented by the Minister for Finance,
8th December, 1994

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