



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

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Privileges and immunities of witnesses, etc. before the committee.
3. Protection of rights, etc. of witnesses and other persons.
4. Subcommittee.
5. Short title, commencement and cesser.

SCHEDULE



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

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BILL

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. 10

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 specified in relation to it in an order of Dáil Éireann made
on the 6th day of December, 1994, the text of which order is set out
in the *Schedule* to this Act, or any other functions relating to those
functions specified in relation to it in an order of Dáil Éireann; 20

“document” includes thing;

“evidence” includes the expression of an opinion, belief, intention
or allegation. 25

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
and the document shall be privileged. 30

(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
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. 35

(c) reports of the proceedings are published to the public or a 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.

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(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.

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3.—The committee shall take all steps which in the opinion of the committee are necessary to protect and vindicate the good name, character and other constitutional rights of witnesses and other persons.

Protection of rights, etc. of witnesses and other persons.

15 4.—(1) The Select Committee on Legislation and Security of Dáil Éireann (in this section referred to as “the committee”) may appoint a subcommittee consisting of such members of the committee as it may determine.

Subcommittee.

(2) A subcommittee appointed under *subsection (1)* of this section shall, if so requested by the committee, perform the functions referred to in *section 1* of this Act in lieu of their being performed by the committee; and, in relation to the performance of those functions by such a subcommittee, this Act shall apply and have effect with the modification that references in this Act (other than *section 1*) to the committee shall be construed as references to that subcommittee and with any other necessary modifications.

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

Short title, commencement and cesser.

30 (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.

(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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SCHEDULE

Section 1.

Order of Dáil Éireann made on 6th December, 1994

“(1) That the Standing Orders of Dáil Éireann relative to Public Business be suspended today pursuant to Standing Order 143 for the particular purposes of hearing statements and the answering of members’ questions to the Taoiseach and to each Minister involved in meetings of Ministers on 11th, 13th and 14th November, 1994, on the circumstances surrounding:

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(a) the appointment of the President of the High Court on Friday, 11th November, 1994;

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- (b) the request on Sunday, 13th November, 1994, from the Taoiseach and the Minister for Justice to the Attorney General to re-examine all details of the Brendan Smyth case;
- (c) the alleged request from the Taoiseach to the then President of the High Court to resign on Monday, 14th November, 1994; 5
- (d) the draft reply and covering letter provided to the Taoiseach by the Attorney General in advance of the Dáil debate on Tuesday, 15th November, 1994, on the issue of the prior application of section 50 of the Extradition (Amendment) Act, 1987, and the identification of all persons involved in, or approving, the draft reply and covering letter; and 10
- (e) the identification of all those involved in the preparation of the Taoiseach's Dáil speech for Tuesday, 15th November, 1994; and 15
- (2) that the said proceedings shall be brought to a conclusion at 10.30 p.m. tonight and that the following arrangements shall apply;
- (a) the Dáil shall sit later than 8.30 p.m. tonight and the hour at which business is to be interrupted shall be 10.30 p.m.; 20
- (b) the statement of the Taoiseach, the Tánaiste, the leaders of the Fine Gael Party, the Labour Party, the Progressive Democrats Party and the Democratic Left Party shall not exceed 30 minutes in each case; 25
- (c) statements from other members shall not exceed 20 minutes in each case: provided that members may share time;
- (3) at the conclusion of the statements, the matters referred to at paragraph (1) shall be referred to the Select Committee on Legislation and Security for the purpose of questioning all persons the Committee deems appropriate. The Committee shall meet at 10.30 a.m. on Wednesday, 7th December and shall report to Dáil Éireann on Thursday, 8th December for as long as is necessary; and 30
- (4) at the conclusion of business, the Dáil shall adjourn until 10.30 a.m. on Thursday next." 35

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

BILLE

dá ngairtear

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

*Ritheadh ag dhá Theach an Oireachtais,
14 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

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.

*Passed by both Houses of the Oireachtas,
14th December, 1994*

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