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**AN BILLE UM CHIONTA GNÉASACHA (DLÍNSE), 1995**  
**SEXUAL OFFENCES (JURISDICTION) BILL, 1995**

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*Mar a tionscnaíodh*  
*As initiated*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Definition.
2. Sexual offences to be triable in State.
3. Sexual offences committed outside State.
4. Miscellaneous.
5. Short title and commencement.

**SCHEDULE**

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ACTS REFERRED TO

Criminal Evidence Act, 1992	1992, No. 12
Criminal Law Amendment Act, 1935	1935, No. 6
Criminal Law (Rape) Act, 1981	1981, No. 10
Criminal Law (Rape) (Amendment) Act, 1990	1990, No. 32
Offences Against the Person Act, 1861	24 & 25 Vict., c. 100





AN BILLE UM CHIONTA GNÉASACHA (DLÍNSE), 1995  
SEXUAL OFFENCES (JURISDICTION) BILL, 1995

# BILL

*entitled*

5 AN ACT TO EXTEND THE CRIMINAL LAW OF THE STATE  
TO TRY SEXUAL OFFENCES AGAINST CHILDREN  
COMMITTED ELSEWHERE, BUT WHICH IF COMMIT-  
TED IN THIS STATE WOULD CONSTITUTE A CRIMI-  
10 NAL OFFENCE, BY CITIZENS OF THE STATE OR BY  
PERSONS ORDINARILY RESIDENT WITHIN THE  
STATE.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act “a person” means a citizen of this State or a person Definition.  
ordinarily resident within the State as defined by *section 2 (2)* of this  
15 Act.

2.—(1) Any sexual offence, specified in the *Schedule* hereto, if Sexual offences to  
be triable in State.  
committed against a child under the age of 18 years in any other  
jurisdiction, shall be triable and punishable within this State in  
accordance with the provisions of *section 3* of this Act if—

20 (a) it is an offence under the law or territory where it occurred,  
and

(b) it is an offence under the *Schedule* to this Act, and

(c) it is committed by a citizen of this State or by a person who  
is ordinarily resident within this State.

25 (2) For the purpose of this Act a person is ordinarily resident  
within this State if he has had his principal residence within the State  
for a period of 12 months prior to the commission of the act alleged.

3.—(1) Where a person does in any other jurisdiction an act that, Sexual offences  
committed outside  
State.  
if done in the State, would constitute an offence specified in the  
30 *Schedule*, he shall be guilty of an offence and he shall be liable on  
conviction on indictment to the penalty to which he would have been  
liable if he had done that act in this State.

(2) Where a person in this or in any other jurisdiction aids, abets,  
counsels or procures the commission of an act that, if done in the  
35 State, would constitute an offence specified in the *Schedule*, he shall



be guilty of an offence and liable on conviction on indictment to the penalty to which he would have been liable if that act had been done within this State.

(3) Where a person in any other jurisdiction does an act that, if done in this State, would constitute an attempt to commit an offence specified in the *Schedule*, he shall be guilty of an offence and liable on conviction on indictment to the penalty to which he would have been liable if he had done that act within this State. 5

(4) Where a person in this or in any other jurisdiction conspires with one or more persons to do an act that, if done in this jurisdiction would constitute an offence specified in the *Schedule*, he shall be guilty of an offence and liable on conviction on indictment to the penalty to which he would have been liable if he had done that act within this State. 10

Miscellaneous. 4.—(1) Nothing in this Act shall affect the legal principle of double jeopardy. 15

(2) The provisions of Part III of the Criminal Evidence Act, 1992 shall apply to offences created by this Act.

Short title and commencement. 5.—This Act may be cited as the Sexual Offences (Jurisdiction) Act, 1995. 20

Sections 2 and 3.

#### SCHEDULE

1. The offence of unlawful carnal knowledge of a girl under the age of fifteen years contrary to section 1 of the Criminal Law Amendment Act, 1935.

2. The offence of unlawful carnal knowledge of a girl between the age of fifteen and seventeen years contrary to section 2 of the Criminal Law Amendment Act, 1935. 25

3. The offence created by section 4 of the Criminal Law Amendment Act, 1935.

4. The offence of rape contrary to section 4 of the Criminal Law (Rape) (Amendment) Act, 1990. 30

5. The offence of rape contrary to common law and section 2 of the Criminal Law (Rape) Act, 1981.

6. The offence of aggravated sexual assault contrary to section 3 of the Criminal Law (Rape) (Amendment) Act, 1990. 35

7. The offence of sexual assault contrary to section 2 of the Criminal Law (Rape) (Amendment) Act, 1990.

8. The offence of buggery contrary to section 61 of the Offences Against the Person Act, 1861.

9. The offence of gross indecency contrary to section 11 of the Offences Against the Person Act, 1861. 40



BILL

BILL

Author: \_\_\_\_\_  
Sponsor: \_\_\_\_\_

Author: \_\_\_\_\_  
Sponsor: \_\_\_\_\_

That the law of the state to  
be amended to read as follows:  
Section \_\_\_\_\_ of the  
Code of Civil Procedure, which  
reads: "\_\_\_\_\_," be and the same  
be amended to read: "\_\_\_\_\_,"  
and the words "\_\_\_\_\_," be  
deleted.

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Section \_\_\_\_\_ of the  
Code of Civil Procedure, which  
reads: "\_\_\_\_\_," be and the same  
be amended to read: "\_\_\_\_\_,"  
and the words "\_\_\_\_\_," be  
deleted.

Approved \_\_\_\_\_  
Governor

Approved \_\_\_\_\_  
Governor

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AN BILLE UM CHIONTA GNÉASACHA  
(DLÍNSE), 1995

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**BILLE**

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do leathnú dlí coiriúil an Stáit chun cionta a thriail a bheidh déanta in aghaidh leanaí in áit eile, ach ar cion coiriúil a bheadh iontu dá mba sa Stát seo a dhéanfaí iad, ag saoránaigh de chuid an Stáit nó ag daoine a bhfuil gnáthchónaí orthu sa Stát.

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*Na Teachtaí Eoin Ó Riain agus Seán Ó Donnchú  
a thug isteach*

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*Ordaitodh ag Dáil Éireann a chlóbhualadh,  
7 Meitheamh, 1995*

SEXUAL OFFENCES (JURISDICTION)  
BILL, 1995

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**BILL**

*(as initiated)*

*entitled*

An Act to extend the criminal law of the State to try sexual offences against children committed elsewhere, but which if committed in this State would constitute a criminal offence, by citizens of the State or by persons ordinarily resident within the State.

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*Introduced by Deputies Eoin Ryan and John  
O'Donoghue*

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*Ordered by Dáil Éireann to be printed,  
7th June, 1995*

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