



**AN BILLE UM RIALÁIL FAISNÉISE (SEIRBHÍSÍ
LASMUGH DEN STÁT CHUN TOIRCHIS A
FHOIRCEANNADH), 1995**

**REGULATION OF INFORMATION (SERVICES OUTSIDE THE
STATE FOR TERMINATION OF PREGNANCIES) BILL, 1995**

*Mar a leasáodh i gCoiste
As amended in Committee*

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
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ACTS REFERRED TO

Censorship of Publications Act, 1929	1929, No. 21
Censorship of Publications Act, 1946	1946, No. 1
Censorship of Publications Acts, 1929 to 1967	
Indecent Advertisements Act, 1889	1889, c. 18



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5 REGULATION OF INFORMATION (SERVICES OUTSIDE THE
STATE FOR TERMINATION OF PREGNANCIES) BILL, 1995

BILL

entitled

AN ACT TO PRESCRIBE THE CONDITIONS SUBJECT TO
WHICH CERTAIN INFORMATION RELATING TO SER-
10 VICES LAWFULLY AVAILABLE OUTSIDE THE STATE
FOR THE TERMINATION OF PREGNANCIES AND TO
PERSONS WHO PROVIDE SUCH SERVICES MAY BE
GIVEN TO INDIVIDUAL WOMEN OR THE GENERAL
PUBLIC, TO AMEND THE INDECENT ADVERTISE-
15 MENTS ACT, 1889, AND THE CENSORSHIP OF PUBLI-
CATIONS ACTS, 1929 TO 1967, AND TO PROVIDE FOR
RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act, save where the context otherwise requires— Interpretation.

20 “Act information” shall be construed in accordance with *section 2*;

“body” means a body corporate or an unincorporated body of
persons;

25 “person to whom *section 5* applies” means a person who engages in,
or holds himself, herself or itself out as engaging in, the activity of
giving information, advice or counselling to individual members of
the public in relation to pregnancy;

“termination of pregnancies” means intentional procurement of mis-
carriages of women who are pregnant;

“woman” means a female person.

30 (2) In this Act (other than *subsection (1)*) a reference to—

(a) a person to whom *section 5* applies,

(b) a person to whom Act information relates, or

(c) a person who provides services outside the State for the
termination of pregnancies,

includes a reference to an employee or agent of, or a person who, though not such an employee or agent, is acting in concert or by arrangement with, such a person.

(3) In this Act—

- (a) a reference to a section is a reference to a section of this Act, unless it is indicated that reference to some other enactment is intended, 5
- (b) a reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended, 10
- (c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment. 15

"Act information".

2.—This Act applies to information that—

- (a) is likely to be required by a woman for the purpose of availing herself of services provided outside the State for the termination of pregnancies, and
- (b) relates to such services or to persons who provide them, 20

and information to which this Act applies is referred to in this Act as "Act information".

Conditions governing the giving of Act information at meetings or in certain publications.

3.—(1) (a) Subject to *paragraph (b)*, it shall not be lawful to publish or procure the publication of Act information—

- (i) orally at a meeting to which the public have access whether upon payment or free of charge, 25
- (ii) in a book, newspaper, journal, magazine, leaflet or pamphlet, or any other document,
- (iii) in a film or a recording (whether of sound or images or both), 30
- (iv) by means of radio or television, or
- (v) by any other means to the public,

unless—

- (I) if the information relates to services provided in a particular place or to persons providing them in a particular place— 35

- (A) the information relates only to services which are lawfully available in that place and to persons who, in providing them, are acting lawfully in that place, and 40

(B) the information and the method and manner of its publication are in compliance with the law of that place,

and

5 (II) the information is truthful and objective and does not advocate or promote, and is not accompanied by any advocacy or promotion of, the termination of pregnancy.

10 (b) Paragraph (a) does not apply to publication, or the procuring of publication, to which section 4 applies.

(2) It shall not be lawful to sell or offer or distribute for sale or invite offers to buy, or distribute free of charge, anything in which Act information is published in contravention of subsection (1).

15 (3) It shall not be lawful to show or play a film or a recording (whether of sound or images or both) in relation to which there is a contravention of subsection (1) at a place to which the public have access whether upon payment or free of charge.

4.—It shall not be lawful to publish or procure the publication of Act information in—

Prohibition on giving Act information in public notices and unsolicited publications, etc.

20 (a) a notice (including an advertisement) displayed in or at a place to which the public have access whether upon payment or free of charge, or

25 (b) a book, newspaper, journal, magazine, leaflet or pamphlet, or any other document, or a film or a recording (whether of sound or images or both), distributed without solicitation by the recipients.

30 5.—Where a person to whom section 5 applies is requested, by or on behalf of an individual woman who indicates or on whose behalf it is indicated that she is or may be pregnant, to give information, advice or counselling in relation to her particular circumstances having regard to the fact that it is indicated by her or on her behalf that she is or may be pregnant—

Conditions governing the giving of certain information, advice and counselling to certain individual women.

35 (a) it shall not be lawful for the person or the employer or principal of the person to advocate or promote the termination of pregnancy to the woman or to any person on her behalf,

(b) it shall not be lawful for the person or the employer or principal of the person to give Act information to the woman or to any person on her behalf unless—

40 (i) the information and the method and manner of its publication are in compliance with subparagraphs (I) and (II) of section 3 (1) (a) and the information is given in a form and manner which do not advocate or promote the termination of pregnancy,

45 (ii) at the same time, information (other than Act information), counselling and advice are given directly to the woman in relation to all the courses

of action that are open to her in relation to her particular circumstances aforesaid, and

- (iii) the information, counselling and advice referred to in *subparagraph (ii)* are truthful and objective, fully inform the woman of all the courses of action that are open to her in relation to her particular circumstances aforesaid and do not advocate or promote, and are not accompanied by any advocacy or promotion of, the termination of pregnancy. 5

Further conditions governing the giving of Act information to certain individual women.

6.—It shall not be lawful for a person to whom *section 5* applies to give Act information to an individual woman or to any person on her behalf in the circumstances referred to in the part of *section 5* preceding *paragraph (a)* thereof unless— 10

- (a) neither the person to whom *section 5* applies nor the employer or principal of the person provides services outside the State for the termination of pregnancies or has an interest, direct or indirect, in any body which provides such services, 15
- (b) if the person to whom *section 5* applies or the employer or principal of the person is a body, no person to whom the Act information relates has an interest, direct or indirect, in the body or bodies, as the case may be, and 20
- (c) if the person to whom *section 5* applies or the employer or principal of the person is a body and a person to whom the Act information relates is a body, no person who has an interest, direct or indirect, in the last-mentioned body or in another body which provides services outside the State for the termination of pregnancies has, at the same time, an interest, direct or indirect, in the first-mentioned body or bodies, as the case may be. 25 30

Prohibition on receipt of certain financial or other benefits or advantages.

7.—(1) It shall not be lawful for a person to whom *section 5* applies or the employer or principal of the person or (if the person is a body) any person who has an interest, direct or indirect, in the body to obtain, directly or indirectly, any financial or other benefit or advantage, whether by way of voluntary donation or otherwise, from any person who provides services outside the State for the termination of pregnancies or (if the last-mentioned person is a body) any person who has an interest, direct or indirect, in the body. 35

(2) It shall not be lawful for a person to whom *section 5* applies and to whom a request specified in that section has been made or the employer or principal of the person or (if the person is a body) any person who has an interest, direct or indirect, in the body to obtain, directly or indirectly, from the woman concerned or any other person a special financial or other benefit or advantage (whether separately or together with any other benefit or advantage) in respect of— 40 45

- (a) the giving of Act information by the person to the woman or to any person on her behalf, or
- (b) the availing by the woman of a service provided outside the State for the termination of pregnancies. 50

(3) In *subsection (2)* "special financial or other benefit or advantage", in relation to a person, means a financial or other benefit or advantage different in kind or larger in amount, size or quantity than that that would be obtainable by the person in respect of information, advice or counselling in relation to pregnancy given by the person to the woman concerned if—

(a) it did not include Act information, and

(b) the woman did not avail of a service provided outside the State for the termination of pregnancies,

but does not include any financial or other benefit or advantage obtained by the person from another person (not being a person providing a service outside the State for the termination of pregnancies) in respect of treatment, information, advice or counselling given by the first-mentioned person to or for the woman subsequent to and consequent upon the termination of the pregnancy of the woman.

8.—(1) It shall not be lawful for a person to whom *section 5* applies or the employer or principal of the person to make an appointment or any other arrangement for or on behalf of a woman with a person who provides services outside the State for the termination of pregnancies.

Prohibition on making of certain arrangements.

(2) Nothing in *subsection (1)* shall be construed as prohibiting the giving to a woman by a person to whom *section 5* applies or the employer or principal of the person of any medical, surgical, clinical, social or other like records or notes relating to the woman in the possession of the person or the employer or principal of the person or a copy or copies thereof in written form.

9.—(1) If a judge of the District Court is satisfied on the sworn information of a member of the Garda Síochána not below the rank of superintendent that there are reasonable grounds for suspecting that—

Search and seizure.

(a) an offence under *section 10* has been or is being committed on or at any premises or other place, and

(b) evidence that the offence has been or is being committed is on or at those premises or that place,

the judge may issue a warrant under his or her hand authorising any member of the Garda Síochána, and any such member accompanying that member, at any time or times within one month from the date of the issue of the warrant, on production if so requested of the warrant, to enter, if need be by force, and search the premises or other place specified in the warrant and—

(i) to seize anything found there (other than medical, surgical, clinical, social or other like records or notes, or copies thereof) that such member or accompanying member believes on reasonable grounds may be required to be used in evidence in any proceedings for an offence under *section 10*, and

(ii) to require any person found there to give such member or accompanying member his or her name and address.

(2) It shall not be lawful—

(a) for a person to obstruct or interfere with a member of the Garda Síochána acting under the authority of a warrant under this section,

(b) for a person who is found on or at a premises or place specified in such a warrant by a member of the Garda Síochána acting as aforesaid to fail or refuse to give the member his or her name and address when required by the member to do so or to give him or her a name or address that is false or misleading.

Offences.

10.—(1) A person who contravenes *section 3, 4, 5, 6, 7, 8 or 9* shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £1,500.

(2) A prosecution for an offence under this section may be brought only by or with the consent of the Director of Public Prosecutions.

Offences by bodies corporate.

11.—(1) Where an offence under 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.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he or she were a director or manager of the body corporate.

Forfeiture.

12.—(1) If a person is convicted of an offence under *section 10* consisting of a contravention of *section 3 or 4*, the court may order to be forfeited and either destroyed or otherwise disposed of in such manner as the court may determine anything in which Act information is published that is shown to the satisfaction of the court to have been employed in the commission of the offence.

(2) A court shall not order a thing to be forfeited under this section in a case where a person claiming to be the owner of it or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to the person to show cause why the order should not be made.

(3) An order under this section shall not take effect until the ordinary time for instituting an appeal against the order or the conviction concerned has expired or, where such an appeal is instituted, until it or any further appeal is finally decided or abandoned or the ordinary time for instituting any further appeal has expired.

13.—The Indecent Advertisements Act, 1889, and the Censorship of Publications Acts, 1929 to 1967, are hereby amended as follows:

Amendment of Indecent Advertisements Act, 1889, and Censorship of Publications Acts, 1929 to 1967.

(a) sections 3 and 4 of the Indecent Advertisements Act, 1889, shall not apply to printed or written matter referred to in those sections,

(b) subsection (1) of section 16 of the Censorship of Publications Act, 1929, shall not apply to a book or periodical publication referred to in that subsection, and

(c) section 7 of the Censorship of Publications Act, 1946, shall not apply to a book referred to in that section and section 9 of that Act shall not apply to a periodical publication, advertisement or notice referred to in that section,

in so far, but only in so far, as Act information is published in the printed or written matter, book or periodical publication, advertisement or notice or in a book or publication to which the printed or written matter, advertisement or notice relates and the information and the method and manner of its publication are in compliance with this Act.

14.—This Act may be cited as the Regulation of Information Short title.
(Services outside the State for Termination of Pregnancies) Act, 1995.

AN BILLE UM RIALÁIL FAISNÉISE
(SEIRBHÍSÍ LASMUIGH DEN STÁT CHUN
TOIRCHIS A FHOIRCEANNADH), 1995

BILLE

(mar a leasaíodh i gCoiste)

dá ngairtear

Acht d'fhorordú na gcoinníollacha ar faoina réir a fhéadfar faisnéis áirithe maidir le seirbhísí atá ar fáil go dleathach lasmuigh den Stát chun toirchis a fhoirceannadh, agus le daoine a chuireann na seirbhísí sin ar fáil, a thabhairt do mhná aonair nó don phobal i gcoitinne, do leasú an *Indecent Advertisements Act*, 1889, agus na nAchtanna um Chinsireacht Fhoilseachán, 1929 go 1967, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Sláinte a thíolaic

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
9 Márta, 1995*

REGULATION OF INFORMATION
(SERVICES OUTSIDE THE STATE FOR
TERMINATION OF PREGNANCIES) BILL,
1995

BILL

(as amended in Committee)

entitled

An Act to prescribe the conditions subject to which certain information relating to services lawfully available outside the State for the termination of pregnancies and to persons who provide such services may be given to individual women or the general public, to amend the *Indecent Advertisements Act*, 1889, and the *Censorship of Publications Acts*, 1929 to 1967, and to provide for related matters.

Presented by the Minister for Health

*Ordered by Dáil Éireann to be printed,
9th March, 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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