



DÁIL ÉIREANN

AN BILLE UM CHEARTAS COIRIÚIL 2004 CRIMINAL JUSTICE BILL 2004

LEASUITHE COISTE COMMITTEE AMENDMENTS

FIRST ADDITIONAL LIST TO SECOND
COMPOSITE LIST OF AMENDMENTS
DATED 16TH MAY 2006

DÁIL ÉIREANN

AN BILLE UM CHEARTAS COIRIÚIL 2004 —ROGHCHOISTE

CRIMINAL JUSTICE BILL 2004 —SELECT COMMITTEE

Leasuithe Breise agus Ionadacha Additional and Substitute Amendments

**References to section numbers, indicated in amendments by an asterisk, are to sections inserted by other amendments in the list.*

SECTION 24

210a. In page 25, before section 24, but in Part 4, to insert the following new section:

“Amendment of section 96 of Act of 2001.

133A.—Section 96 of the Act of 2001 is amended by the substitution of the following subsection for subsection 5:

“(5) When dealing with a child charged with an offence, a court shall have due regard to the child’s best interests, the interests of the victim of the offence and the protection of society.””.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

215. In page 25, before section 24, but in Part 4, to insert the following new section:

“Substitution of section 149 of Act of 2001.

138.—The following section is substituted for section 149 of the Act of 2001:

“Period of detention in children detention school.

149.—Where a child is found guilty of an offence in the Children Court, any term of detention in a children detention school imposed for the offence shall not be for a period longer than the term of detention or imprisonment which the court could impose on an adult who commits such an offence.””.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[This amendment is in substitution for amendment no. 215 on the second composite list of amendments circulated on the 16th of May 2006.]

221. In page 25, before section 24, but in Part 4, to insert the following new section:

“New section 159A in Act of 2001.

144.—The following section is inserted in the Act of 2001 after section 159:

159A.—(1) In this section—

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“Education of children in children detention school, residential centres, etc.

“Inspector” and “recognised school” have the meanings given to them in section 2 of the Education Act 1998;

“transferred premises” means a certified reformatory or an industrial school under Part IV of the Act of 1908 which, on the commencement of section 159 in relation to it, becomes a children detention school or premises provided and maintained by the Health Service Executive under section 38(2) of the Act of 1991;

“vocational education committee” means a committee established by section 7 of the Vocational Education Act 1930.

(2) Any recognised school forming part of transferred premises is dissolved.

(3) A vocational education committee in whose functional area transferred premises are situated shall provide for the education of children in those premises.

(4) Without prejudice to the generality of subsection (3), each vocational education committee shall, in respect of any such premises—

- (a) plan, coordinate and review the provision of education and services ancillary thereto,
- (b) ensure that the education provided therein meets the requirements of education policy as determined from time to time by the Minister for Education and Science,
- (c) ensure that students have access to appropriate guidance to assist them in their educational and career choices,
- (d) promote the moral, spiritual, social and personal development of the children concerned, and
- (e) ensure that the needs of personnel involved in management functions and those in relation to staff development generally are identified and provided for.

(5) The functions of an Inspector within the meaning of the Education Act 1998 apply, with any necessary modifications, in relation to education facilities provided in respect of any transferred premises.

(6) A person who, immediately before the dissolution under this section of a recognised school, is a member of its teaching staff shall, on such commencement, become an employee of the vocational education committee in whose functional area the recognised school is situated; and the rights and entitlements enjoyed by the person as such employee in respect of tenure, remuneration, fees, allowances, expenses and superannuation shall not, by virtue of the operation of this Act, be any less beneficial than the rights and entitlements enjoyed by that person immediately before the dissolution.””.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[*This amendment is in substitution for amendment no. 221 on the second composite list of amendments circulated on the 16th of May 2006.*]