

*[First list of additional amendments - containing substitute amendments.]*

# DÁIL ÉIREANN

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## AN BILLE UM CHLÚMHILLEADH 2006 —ROGHCHOISTE

### DEFAMATION BILL 2006 —SELECT COMMITTEE

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*Leasuithe Breise agus Ionadacha  
Additional and Substitute Amendments*

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#### SECTION 34

**38a.** In page 26, line 3, to delete “criminal” and substitute “defamatory”.

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

#### SECTION 35

**40.** In page 26, before section 35, but in Part 5, to insert the following new section:

“Publication or  
utterance of  
blasphemous matter.

35.—(1) A person who publishes or utters blasphemous matter shall be guilty of an offence and shall be liable upon conviction on indictment to a fine not exceeding €100,000.

(2) For the purposes of this section, a person publishes or utters blasphemous matter if—

(a) he or she publishes or utters matter that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion, and

(b) he or she intends, by the publication or utterance of the matter concerned, to cause such outrage.

(3) It shall be a defence to proceedings for an offence under this section for the defendant to prove that a reasonable person would find genuine literary, artistic, political, scientific, or academic value in the matter to which the offence relates.”

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

*[This amendment is in substitution for amendment No. 40 on the principal list of amendments dated 28th April 2009.]*

**41.** In page 26, before section 35, but in Part 5, to insert the following new section:

“Seizure of copies  
of blasphemous  
statements.

36.—(1) Where a person is convicted of an offence under *section 35\**, the court may issue a warrant—

[ SECTION 35 ]

- (a) authorising any member of the Garda Síochána to enter (if necessary by the use of reasonable force) at all reasonable times any premises (including a dwelling) at which he or she has reasonable grounds for believing that copies of the statement to which the offence related are to be found, and to search those premises and seize and remove all copies of the statement found therein,
- (b) directing the seizure and removal by any member of the Garda Síochána of all copies of the statement to which the offence related that are in the possession of any person,
- (c) specifying the manner in which copies so seized and removed shall be detained and stored by the Garda Síochána.

(2) A member of the Garda Síochána may—

- (a) enter and search any premises,
- (b) seize, remove and detain any copy of a statement to which an offence under *section 35\** relates found therein or in the possession of any person,

in accordance with a warrant under *subsection (1)*.

(3) Upon final judgment being given in proceedings for an offence under *section 35\**, anything seized and removed under *subsection (2)* shall be disposed of in accordance with such directions as the court may give upon an application by a member of the Garda Síochána in that behalf.

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

[\*Note: This is the appropriate reference if amendment No. 40 is accepted]

[This amendment is in substitution for amendment No. 41 on the principal list of amendments dated 28th April 2009.]