



DÁIL ÉIREANN

**AN BILLE UM CHLÚMHILLEADH 2006
DEFAMATION BILL 2006**

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM CHLÚMHILLEADH 2006 —AN TUARASCÁIL

DEFAMATION BILL 2006 —REPORT

Leasuithe Amendments

1. In page 6, line 21, after “*section 44*” to insert the following:

“and the composition, powers and functions detailed in *Schedule 2*”.

—Aengus Ó Snodaigh.

2. In page 7, to delete lines 5 and 6 and substitute the following:

“Review of
operation of Act.

5.—(1) The Minister shall, not later than 5 years after the passing of this Act, commence a review of its operation.

(2) A review under *subsection (1)* shall be completed not later than one year after its commencement.”.

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

3. In page 7, line 27, after “person” to insert the following:

“or the publication to the second-mentioned person was in the course of the performance of duties of a secretarial nature by the second-mentioned person (being a person whose relationship if any to the first-mentioned person is primarily based on contract) and there were no reasonable grounds to believe that the first-mentioned person would suffer any significant injury by reason only of such publication”.

—Pat Rabbitte.

4. In page 10, line 5, to delete “, in particular,”.

—Pat Rabbitte.

5. In page 11, between lines 8 and 9, to insert the following:

“15.—Plaintiffs and defendants involved in court actions pursuant to this Act may apply for civil legal aid.”.

—Aengus Ó Snodaigh.

6. In page 11, between lines 8 and 9, to insert the following:

“15.—Proceedings taken pursuant to this Act shall not have the effect of excluding persons from elected public office by virtue only of their being made bankrupt.”.

—Aengus Ó Snodaigh.

7. In page 11, to delete lines 14 to 27 and substitute the following:

“(2) In this section—

“defence” shall not include a defence under—

- (a) an enactment, or
- (b) an act of the institutions of the European Communities;

“enactment” has the meaning assigned by section 2(1) of the Interpretation Act 2005;

“European Communities” has the same meaning as it has in the European Communities Act 1972.”.

—Pat Rabbitte.

- 8.** In page 11, to delete lines 32 to 37.

—Aengus Ó Snodaigh.

- 9.** In page 18, line 33, to delete “similar” and substitute “greater”.

—Aengus Ó Snodaigh.

- 10.** In page 18, to delete lines 36 to 38 and substitute the following:

“as soon as practicable after the plaintiff makes complaint to the defendant concerning the utterance to which the apology relates, or after the bringing of the action, whichever is earlier.”.

—Aengus Ó Snodaigh, Pat Rabbitte.

- 11.** In page 19, line 25, to delete “any or”.

—Aengus Ó Snodaigh.

- 12.** In page 20, line 7, after “obtain” to insert “in advance”.

—Pat Rabbitte.

- 13.** In page 21, line 15, after “the” to insert “Circuit Court or”.

—Pat Rabbitte.

- 14.** In page 21, line 15, to delete “High Court” and substitute “Circuit Court”.

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

- 15.** In page 21, between lines 29 and 30, to insert the following:

“(3) For the avoidance of doubt, an applicant for a declaratory order shall not be required to prove that the statement to which the application concerned relates is false.”.

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

- 16.** In page 21, to delete lines 34 and 35.

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

- 17.** In page 21, line 40, to delete “applicant” and substitute “plaintiff”.

—Pat Rabbitte.

- 18.** In page 22, between lines 2 and 3, to insert the following:

“(9) An application under this section shall be made to the Circuit Court sitting in the circuit where—

(a) the statement to which the application relates was published, or

(b) the defendant or one of the defendants, as the case may be, resides.”.

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

19. In page 23, to delete line 32.
—Aengus Ó Snodaigh.
20. In page 25, line 4, after “The” to insert “Circuit Court or the”.
—Pat Rabbitte.
21. In page 25, line 38, to delete “defamatory libel,”.
—Pat Rabbitte.
22. In page 26, to delete lines 1 to 15.
—Charles Flanagan, Aengus Ó Snodaigh.
23. In page 26, lines 2 and 3, to delete all words from and including “upon” in line 2 down to and including “€100,000.” in line 3 and substitute the following:
“upon conviction on indictment to a fine not exceeding €1,000.”
—Pat Rabbitte.
24. In page 26, line 3, to delete “€100,000” and substitute “€25,000”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
25. In page 26, between lines 11 and 12, to insert the following:
“(3) In this section, “religion” does not include an organisation or cult—
(a) the principal object of which is the making of profit, or
(b) that employs oppressive psychological manipulation—
(i) of its followers, or
(ii) for the purpose of gaining new followers.”
—Pat Rabbitte.
26. In page 26, to delete lines 16 to 42.
—Charles Flanagan, Aengus Ó Snodaigh.
27. In page 30, between lines 14 and 15, to insert the following:
“(8) The body recognised under this section shall publish annual and other periodic reports covering important topics such as findings of the complaints procedure, balance in reporting and coverage, or other matters as requested by the Minister or the Joint Oireachtas Committee on Justice, Equality, Defence and Women’s Rights.”
—Aengus Ó Snodaigh.
28. In page 33, line 4, to delete “entitled” and substitute “required”.
—Aengus Ó Snodaigh.
29. In page 33, line 10, to delete “5” and substitute “3”.
—Aengus Ó Snodaigh.
30. In page 33, line 12, to delete “one” and substitute “3”.
—Aengus Ó Snodaigh.
31. In page 33, between lines 13 and 14, to insert the following:
“(2) The total composition of *paragraph (b)* and *(c)* membership shall reflect the various media types in existence.”
—Aengus Ó Snodaigh.

32. In page 34, between lines 36 and 37, to insert the following:

“(5) Determinations of the Press Council shall have binding effect.”.

—Aengus Ó Snodaigh.

33. In page 34, after line 46, to insert the following:

“11. The code of standards adopted shall have regard to the needs of small publishers.”.

—Aengus Ó Snodaigh.