



# **DÁIL ÉIREANN**

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## **AN BILLE UM CHNUAS-MHUINISIN AGUS MIANAIGH FHRITHPHEARSANRA 2008 CLUSTER MUNITIONS AND ANTI-PERSONNEL MINES BILL 2008**

### **LEASUITHE TUARASCÁLA REPORT AMENDMENTS**

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## AN BILLE UM CHNUAS-MHUINISIN AGUS MIANAIGH FHRITHPHEARSANRA 2008 —AN TUARASCÁIL

### CLUSTER MUNITIONS AND ANTI-PERSONNEL MINES BILL 2008 —REPORT

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#### *Leasuithe Amendments*

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1. In page 3, to delete lines 20 to 23. —Michael D. Higgins.

2. In page 3, to delete lines 30 to 33. —Michael D. Higgins.

3. In page 4, to delete lines 21 to 33. —Michael D. Higgins.

4. In page 4, line 36, after “*Schedule I*”, to insert the following:

“, but Article 21(3) of the said Convention may not be relied on by the State”.  
—Michael D. Higgins.

5. In page 5, to delete lines 42 to 46. —Michael D. Higgins.

6. In page 6, between lines 27 and 28, to insert the following:

“(a) is committed by an Irish citizen or gives rise to injury to or death of an  
Irish citizen,”.  
—Michael D. Higgins.

7. In page 6, between lines 30 and 31, to insert the following:

“Prohibition on  
certain military  
operations.

7.—The Defence Forces are prohibited from participating in military operations  
where cluster munitions will be used with the exception of training for clearing  
purposes.”.  
—Michael D. Higgins.

8. In page 8, between lines 26 and 27, to insert the following:

“(a) is committed by an Irish citizen or gives rise to injury to or death of an  
Irish citizen,”.  
—Michael D. Higgins.

9. In page 9, between lines 30 and 31, to insert the following:

“Consequential.

11.—Section 30(1)(e) of the Defence Act 1954 is repealed.”.  
—Michael D. Higgins.

10. In page 12, line 5, to delete “€250,000” and substitute “€1,000,000”.

—An tAire Gnóthaí Eachtracha, Billy Timmins.

11. In page 12, between lines 23 and 24, to insert the following:

“(2) Any cost incurred under *subsection (1)* shall be so incurred by the person or body corporate convicted under *section 6* or *9* of this Act.”.

—Billy Timmins.

12. In page 12, between lines 23 and 24, to insert the following:

“(2) Where a cluster munition, explosive bomblet or anti-personnel mine is to be delivered to the Defence Forces for destruction under *subsection (1)*, the court shall, unless it is satisfied that there are special and substantial reasons for not doing so, order the convicted person to pay the costs and expenses, measured by the court, to be incurred by the Defence Forces in relation to arranging such destruction.

(3) An order for costs and expenses under *subsection (2)* is in addition to and not instead of any fine or penalty the court might impose under *section 17*.”.

—An tAire Gnóthaí Eachtracha.

13. In page 12, between lines 23 and 24, to insert the following:

“20.—(1) The Minister shall by regulations establish and publish a register of persons outside of Ireland which trade in cluster munitions, to be known as the Register of Prohibited Investment in Cluster Munitions.

(2) The Minister shall by regulations provide for persons to be placed on and withdrawn from the Register of Prohibited Investment in Cluster Munitions.

(3) The Minister shall publish in *Iris Oifigiúil* the names placed on and withdrawn from the Register of Prohibited Investment in Cluster Munitions and shall notify the Office of the Director of Corporate Enforcement and the Financial Regulator of such publication.”.

—Billy Timmins.