



**SEANAD ÉIREANN**

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**AN BILLE UM NÓS IMEACHTA COIRIÚIL 2009  
CRIMINAL PROCEDURE BILL 2009**

**LEASUITHE TUARASCÁLA  
REPORT AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE UM NÓS IMEACHTA COIRIÚIL 2009 —AN TUARASCÁIL

### CRIMINAL PROCEDURE BILL 2009 —REPORT

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*Leasuithe  
Amendments*

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*\* Government amendments are  
denoted by an asterisk.*

\* 1. In page 6, to delete lines 9 to 13 and substitute the following:

“‘broadcast’ has the meaning it has in section 2 of the Broadcasting Act 2009;”.

2. In page 6, line 36, after “person,” to insert the following:

“or any offence under the Non-Fatal Offences Against the Person Act 1997”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast,  
Brendan Ryan, Michael McCarthy.*

\* 3. In page 7, to delete lines 52 and 53 and in page 8, to delete lines 1 to 4 and substitute the following:

“(iv) has died as a result of the offence, a family member of the person may give evidence as to the effect of the offence concerned—

(I) on the person between the commission of the offence and his or her death (where relevant), and

(II) on the family members of the person who has died.”.

4. In page 8, line 2, after “on” to insert the following:

“the person between the commission of the offence and the death of the person and on”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast,  
Brendan Ryan, Michael McCarthy.*

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

“(4) Where a person in respect of whom an offence has been committed, or a family member of that person, proposes to give evidence under subsection (3) orally rather than in writing, it shall not be necessary for the court to give any particular direction or warning to that person in respect of his or her evidence.”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast,  
Brendan Ryan, Michael McCarthy.*

\* 6. In page 9, to delete lines 37 to 43 and substitute the following:

“‘broadcast’ has the meaning it has in section 2 of the Broadcasting Act 2009;”.

7. In page 10, between lines 11 and 12, to insert the following:

“(7) This section is without prejudice to the power of a court to receive evidence regarding the effect of an offence, other than an offence to which this section applies, on the person in respect of whom the offence was committed.”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*

8. In page 10, line 48, after “competent” to insert “and suitably trained”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*

9. In page 10, after line 48, to insert the following:

“Legal representation of victim.

7.—In an application under this section the court may make such order as it sees fit to facilitate legal representation of a person in respect of whom an offence has been committed or a family member as appropriate, where it is appropriate to do so.”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*

10. In page 11, line 11, to delete “Court of Criminal Appeal” and substitute “Supreme Court”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*

11. In page 11, line 26, after “concerned” to insert the following:

“, for example DNA evidence or an admission by the person concerned”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*

12. In page 12, line 38, after “Court” to insert the following:

“if satisfied that the Director has given the person concerned all reasonable notice to facilitate his or her appearance and”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*

13. In page 13, lines 2 and 3, to delete “, on or after the commencement of this section,”.

—*Senators Eugene Regan, Maurice Cummins.*

14. In page 13, line 38, after “Court” to insert the following:

“if satisfied that the Director has given the person concerned all reasonable notice to facilitate his or her appearance and”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*

15. In page 18, lines 8 and 9, to delete “, the Attorney General or the Director”.

—*Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*

**16.** In page 19, line 35, after “section” to insert the following:

“, and only where the Director of Public Prosecutions is contemplating the making of an application for a re-trial order under *section 8* or *section 9* of this Act.”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*

**17.** In page 24, line 15, before “arising” to insert the following:

“which gives to a directed verdict or which prevented the jury from considering evidence which was properly admissible or a misdirection of law to the jury”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*

**18.** In page 24, line 24, after “Court” to insert the following:

“if satisfied that the Director has given the person concerned all reasonable notice to facilitate his or her appearance and”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Brendan Ryan, Michael McCarthy.*