



SEANAD ÉIREANN

AN BILLE UM AN DLÍ SIBHIALTA (FORÁLACHA ILGHNÉITHEACHA), 2011 CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2011

LEASUITHE COISTE COMMITTEE AMENDMENTS

SEANAD ÉIREANN

AN BILLE UM AN DLÍ SIBHIALTA (FORÁLACHA ILGHNÉITHEACHA),
2011
—AN COISTE

CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL 2011
—COMMITTEE STAGE

*Leasuithe
Amendments*

SECTION 1

- *1. In page 6, subsection (9), line 10, to delete “and 9” and substitute “and 9, and section 39”.

SECTION 4

2. In page 7, between lines 36 and 37, to insert the following:

“(d) the purpose of benefiting the community;”.

—*Senators Denis O'Donovan, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhras Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White and Diarmuid Wilson.*

3. In page 10, line 14, after “utility” to insert “and benefit to the community”.

—*Senators Denis O'Donovan, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhras Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White and Diarmuid Wilson.*

SECTION 6

- *4. In page 10, lines 24 to 26, to delete all words from and including “is” in line 24 down to and including “equipment”.:” in line 26 and substitute the following:

“is amended—

(a) by the substitution of the following for the definition of “installer of security equipment”.:”.

- *5. In page 10, line 28, to delete “for remuneration” and substitute “in the course of a business, trade or profession,”.

- *6. In page 10, line 33, to delete “for remuneration” and substitute “in the course of a business, trade or profession,”.

- *7. In page 11, between lines 6 and 7, to insert the following:

“(b) in the definition of “private investigator” by the substitution of “in the course of a business, trade or profession,” for “for remuneration”.

[SECTION 6]

(c) in the definition of “security consultant” by the substitution of “in the course of a business, trade or profession,” for “for remuneration”, and

(d) in the definition of “security service”, in paragraph (b) to substitute “installer” for “supplier or installer.”.

SECTION 13

*8. In page 13, before section 13, to insert the following new section:

“Amendment of section 37 of Act of 2004.

13.—Section 37(1) of the Act of 2004 is amended by the substitution of “A person shall not provide a security service insofar as this Act has come into operation as respects the security service concerned and shall not hold himself or herself out” for “A private security employer or an individual referred to in any of the paragraphs of the definition of “security service” in section 2(1) shall not, on or after the commencement of the paragraph concerned, provide a security service or hold himself or herself out.”.”.

*9. In page 13, before section 13, to insert the following new section:

“Amendment of section 48 of Act of 2004.

14.—Section 48 of the Act of 2004 is amended by the insertion after subsection (5) of the following subsection:

“(6) Where a person is convicted of an offence under this Act, prosecuted by the Authority, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Authority the costs and expenses, measured by the court, incurred by the Authority in relation to the investigation, detection and prosecution of the offence.”.”.

SECTION 14

*10. In page 14, subsection (2), line 15, to delete “advertising, promotion or marketing of—” and substitute the following:

“advertising, promotion or marketing of intoxicating liquor and such code may apply as respects—”.

SECTION 15

*11. In page 16, before section 15, but in Part 6, to insert the following new section:

“Definitions (Part 6).

15.—In this Part—

“Act of 1998” means the Employment Equality Act 1998;

“Act of 2000” means the Equal Status Act 2000.”.

[Acceptance of this amendment involves the deletion of section 15 of the Bill.]

SECTION 16

*12. In page 16, before section 16, to insert the following new section:

[SECTION 16]

“Amendment of section 2 of Act of 1998. 16.—Section 2 of the Act of 1998 is amended, in subsection (1), by the substitution of the following definition for the definition of “discrimination”:

“discrimination” includes the issue of an instruction to discriminate and, in Part V and VI, includes prohibited conduct within the meaning of the Equal Status Act 2000, and cognate words shall be construed accordingly;”.

***13.** In page 16, before section 16, to insert the following new section:

“Amendment of section 5 of Act of 1998. 17.—Section 5 of the Act of 1998 is amended, by the deletion of subsection (2).”.

***14.** In page 16, before section 16, to insert the following new section:

“Amendment of section 75 of Act of 1998. 18.—Section 75 of the Act of 1998 is amended by the substitution of the following subsection for subsection (4A):

“(4A) Other persons with relevant qualifications or experience may, with the approval of the Minister and the consent of the Minister for Finance, be appointed to be equality officers or equality mediation officers on such terms and conditions as may be so approved.”.

***15.** In page 16, before section 16, to insert the following new section:

“Amendment of section 77 of Act of 1998. 19.—Section 77 of the Act of 1998 is amended, in subsection (12), by the substitution of the following paragraph for paragraph (a):

“(a) Not later than 42 days from the date of a decision of the Director on an application by a complainant for an extension of time under subsection (5), the complainant or respondent may appeal against the decision to the Labour Court on notice to the Director specifying the grounds of the appeal.”.

SECTION 19

***16.** In page 17, before section 19, to insert the following new section:

“Amendment of section 21 of Act of 2000. 19.—Section 21 of the Act of 2000 is amended by the substitution of the following paragraph for paragraph (a) of subsection (7A):

“(a) Not later than 42 days from the date of a decision of the Director on an application by a complainant for an extension of time under subsection (3) or (6), the complainant or respondent may appeal against the decision to the Circuit Court on notice to the Director specifying the grounds of the appeal.”.

***17.** In page 17, to delete line 37, and substitute the following:

“Amendment of section 25 of Act of 2000. 19.—Section 25 of the Act of 2000 is amended—”.

SECTION 20

***18.** In page 18, before section 20, but in Part 6, to insert the following new section:

[SECTION 20]

“Amendment of section 39 of Act of 2000.

20.—Section 39 of the Act of 2000 is amended by the substitution of the following paragraph for paragraph (b):

“(b) to promote equality of opportunity in relation to the matters to which this Act applies; and”.”.

19. In page 19, line 27, to delete “12th anniversary” and substitute “3rd anniversary”.

—*Senators Denis O'Donovan, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhras Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White and Diarmuid Wilson.*

20. In page 20, line 31, to delete “5 years” and substitute “3 years”.

—*Senators Denis O'Donovan, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhras Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White and Diarmuid Wilson.*

21. In page 20, lines 33 to 36, to delete all words from and including “where” in line 33 down to and including “payments,” in line 36.

—*Senators Denis O'Donovan, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhras Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White and Diarmuid Wilson.*

SECTION 23

22. In page 29, before section 23, but in Part 10, to insert the following new section:

“23.—The Irish Nationality and Citizenship Act 1956 is amended by the substitution of the following for the first three lines of subsection (1) of Section 15A (inserted by section 5 of the Act of 2001):

15A. Notwithstanding the provisions of section 15, the Minister may, in his or her absolute discretion, grant an application for a certificate of naturalisation to the non-national spouse or civil partner of an Irish citizen if satisfied that the applicant—”.

—*Senator Katherine Zappone.*

SECTION 33

23. In page 35, to delete lines 40 to 47.

—*Senator Seán D. Barrett.*

24. In page 35, lines 44 and 45, to delete “65 years” and substitute “66 years”.

—*Senators Denis O'Donovan, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhras Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White and Diarmuid Wilson.*