



SEANAD ÉIREANN

**AN BILLE UM CHEARTAS COIRIÚIL (FAISNÉIS FAOI
CHIONTA IN AGHAIDH LEANAÍ AGUS AOSAIGH
SHOGHONTAA CHOIMEÁD SIAR), 2012
CRIMINAL JUSTICE (WITHHOLDING OF INFORMATION
ON OFFENCES AGAINST CHILDREN AND VULNERABLE
PERSONS) BILL 2012**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM CHEARTAS COIRIÚIL (FAISNÉIS FAOI CHIONTA IN
AGHAIDH LEANAÍ AGUS AOSAIGH SHOGHONTAA CHOIMEÁD
SIAR), 2012
—AN COISTE

CRIMINAL JUSTICE (WITHHOLDING OF INFORMATION ON
OFFENCES AGAINST CHILDREN AND VULNERABLE PERSONS) BILL
2012
—COMMITTEE STAGE

*Leasuithe
Amendments*

[*Government amendments are denoted by an asterisk.]

SECTION 1

1. In page 3, subsection (1), between lines 27 and 28, to insert the following:

“ “reasonable excuse” shall include for the purposes of this Act consensual, non-exploitative sexual activity where there is an age difference of not greater than two years between the parties;”.

—Jillian van Turnhout.

SECTION 4

*2. In page 8, lines 12 to 25, to delete subsections (12) and (13).

*3. In page 9, subsection (17), line 29, to delete “a psychologist and,”.

*4. In page 9, subsection (17), line 31, to delete “only”.

*5. In page 9, subsection (17), line 37, to delete “under *subsection (12)*” and substitute “under *section 5*”.

[#Note: This is a reference to the section proposed to be inserted by amendment 9.]

*6. In page 9, subsection (17), lines 39 and 40, to delete “under *subsection (13)*” and substitute “under *section 6*”.

[#Note: This is a reference to the section proposed to be inserted by amendment 10.]

*7. In page 10, subsection (17), line 19, after “case,” to insert “being”.

*8. In page 10, subsection (17), line 20, to delete “judgment” and substitute “judgement”.

SECTION 5

*9. In page 10, before section 5, to insert the following new section:

[No. 32 of 2012]

[12 June, 2012]

[SECTION 5]

“Prescribed organisations.

5.—(1) An organisation or body which provides services to children or vulnerable persons or both who have suffered injury, harm or damage as a result of physical or sexual abuse may apply to the Minister, in accordance with this section, to be a prescribed organisation for the purposes of *section 4*.

(2) An application by an organisation or body under *subsection (1)* shall be made in the manner specified by the Minister and shall be accompanied by particulars in writing of the following matters in relation to the organisation or body:

- (a) the nature and type of services provided by the organisation or body to children or vulnerable persons or both;
- (b) the numbers of children or vulnerable persons or both to whom services were provided by the organisation or body before the date of the application for such period or periods as the Minister may specify;
- (c) the legal status of the organisation or body; and
- (d) the code of practice (if any) of the organisation or body (by whatever name called) with regard to the provision of its services and, in particular, its procedures and protocols for ensuring compliance with this Act.

(3) If, in relation to an application under *subsection (2)*, the Minister is satisfied having regard to the provisions of *section 4* that it is appropriate to do so, he or she may prescribe the organisation or body concerned as a prescribed organisation for the purposes of that section.

(4) The Minister shall inform the organisation or body concerned in writing of his or her decision in relation to an application under *subsection (2)* and of the reasons for that decision.

(5) In this section and in *section 6*# “services” means services relating to—

- (a) the resolution, through guidance, counselling or otherwise, of personal, social or psychological problems,
- (b) the care of persons in need of protection, guidance or support,

being services that require a person providing them to exercise skill or judgement in relation to them.”.

[#Note: This is a reference to the section proposed to be inserted by amendment 10.]

***10.** In page 10, before section 5, to insert the following new section:

“Prescribed persons.

6.—(1) An organisation or body prescribed under *section 5*#, or an organisation or body applying to be so prescribed, which provides services to children or vulnerable persons or both who have suffered injury, harm or damage as a result of physical or sexual abuse may apply to the Minister, in accordance with this section, for a class or classes of persons employed or otherwise engaged by the organisation or body in the provision of those services to be prescribed persons for the purposes of *section 4*.

[*SECTION 5*]

(2) An application by an organisation or body under *subsection (1)* shall be made in the manner specified by the Minister and shall be accompanied by particulars in writing of the following matters in relation to the class or classes of persons concerned:

- (a) the nature and type of services provided by such persons to children or vulnerable persons or both;
- (b) the expertise and qualifications of such persons to provide such services;
- (c) the accreditation or certification (if any) held by such persons in relation to the provision of such services;
- (d) the arrangements that the organisation or body has in place for the training and development of such persons to provide such services; and
- (e) the procedures and systems that the organisation or body has in place for assessing the quality of the services provided by such persons.

(3) A class or classes of persons employed or otherwise engaged by an organisation or body may not be prescribed under this section if the organisation or body is not prescribed under *section 5#*.

(4) If, in relation to an application under *subsection (2)*, the Minister is satisfied having regard to the provisions of *section 4* that it is appropriate to do so, he or she may prescribe the class or classes of persons concerned employed or otherwise engaged by the organisation or body in the provision of its services as prescribed persons for the purposes of that section and, in particular, the Minister shall be satisfied that members of that class or those classes are qualified to provide such services and to form a view referred to in *subsection (14)* of that section in relation to a child or vulnerable person in the circumstance referred to in that subsection.

(5) The Minister shall inform the organisation or body concerned in writing of his or her decision in relation to an application under *subsection (2)* and of the reasons for that decision.”.

[#Note: This is a reference to the section proposed to be inserted by amendment 9.]

SECTION 7

***11.** In page 12, before section 7, to insert the following new section:

“Amendment of section 16(2) of Criminal Justice (Female Genital Mutilation) Act 2012.

7.—Section 16(2) of the Criminal Justice (Female Genital Mutilation) Act 2012 is amended by the insertion of “for Health” after “Minister”.”.

SCHEDULE 1

***12.** In page 13, between lines 27 and 28, to insert the following new paragraph:

“14. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule.”.

***13.** In page 14, lines 1 to 3, to delete paragraph 15.

[*SCHEDULE 1*]

***14.** In page 14, after line 18, to insert the following new paragraph:

“20. An offence under any of the following provisions of the Criminal Justice (Female Genital Mutilation) Act 2012—

(a) section 2 (offences of female genital mutilation, etc.),

(b) section 3 (offence of removal from State for purpose of female genital mutilation),

(c) section 4 (acts, etc., done outside State).”.

TITLE

***15.** In page 3, lines 14 and 15, to delete “OR SOME SUCH OFFENCES” and substitute the following:

“OR CERTAIN ARRESTABLE OFFENCES (INCLUDING CERTAIN SEXUAL OFFENCES)”.

***16.** In page 3, line 18, after “1998;” to insert the following:

“TO AMEND SECTION 16 OF THE CRIMINAL JUSTICE (FEMALE GENITAL MUTILATION) ACT 2012;”.