



DÁIL ÉIREANN

BILLE NA LEANAÍ (LEASÚ), 2015 CHILDREN (AMENDMENT) BILL 2015

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

BILLE NA LEANAÍ (LEASÚ), 2015 —ROGHFHOCHOISTE

CHILDREN (AMENDMENT) BILL 2015 —SELECT SUB-COMMITTEE

Leasuithe Amendments

SECTION 5

1. In page 8, between lines 3 and 4, to insert the following:

“(a) by the insertion of the following subsection after subsection (2):

“(2A) The maximum total period that a child may spend remanded in custody is three months from the date of being remanded in custody by the Court.”,”.

—Clare Daly.

2. In page 8, between lines 9 and 10, to insert the following:

“(b) by the insertion of the following subsection after subsection (7):

“(7A) Where a child is convicted of an offence and a period of detention is imposed on the child by a court, the period of detention shall not exceed the term of detention or imprisonment that the court could have imposed on a person of full age and capacity who is convicted of such an offence, and may be less. The Court shall have regard to the age, level of maturity, best interests of the child and principle of imprisonment as a last resort in determining the nature of any penalty imposed.”,”.

—Clare Daly.

3. In page 8, line 10, after “of,” to insert “and by the deletion of “as far as practicable and where it is in the interests of the child”,,”.

—Clare Daly.

SECTION 6

4. In page 8, line 38, to delete “whether another” and substitute “what other”.

—Clare Daly.

[SECTION 8]

SECTION 8

5. In page 9, between lines 38 and 39, to insert the following:

“Amendment of section 143 of Principal Act

8. Section 143 of the Principal Act is amended, in subsection (2), by the insertion of “in language that is appropriate to the age and level of understanding of the child concerned” after “give its reasons for doing so in open court”.”.

—An tAire Leanaí agus Gnóthaí Óige.

6. In page 10, line 6, after “offence” to insert the following:

“and may be less. The Court shall have regard to the age, level of maturity, best interests of the child and the principle of detention as a last resort in determining the nature of any penalty imposed”.

—Clare Daly.

7. In page 10, to delete lines 7 to 9 and substitute the following:

“(2) The Court shall not impose a period of detention in excess of three years. Where a court imposes any period of detention on a child it shall give its reasons for doing so in writing in language that is appropriate to the age and level of understanding of the child.”.

—Clare Daly.

SECTION 17

8. In page 24, between lines 33 and 34, to insert the following:

“(2A) Where an inquiry is held under subsection (1) the child shall be provided with an opportunity to be heard and to respond to any allegation of disciplinary breach orally or in writing.”.

—Clare Daly.

9. In page 25, between lines 3 and 4, to insert the following:

“(5) At the conclusion of the inquiry, if a finding of a disciplinary breach under section 201 has been made and/or if a sanction has been imposed under section 201A, the child shall be informed of his or her right to send to the Director, for transmission to the Minister, a petition concerning the finding or sanction or both the finding and sanction, and he or she shall be informed of the time limit of 7 days after the date of being informed of the finding and the imposition of any sanction for the submission of such a petition, as provided in section 201B(1).

(6) At the conclusion of the inquiry, if a finding of a disciplinary breach under section 201 has been made and if a sanction of forfeiture of remission of portion of a period of detention has been imposed, the child shall be informed of his or her right to notify the Director of his or her intention to appeal against the finding or sanction, or both

[SECTION 17]

finding and sanction, to an Appeal Tribunal, and he or she shall be informed of the time limit of 21 days after notification of the finding or sanction to notify the Director as such, as provided for in section 201C(1)(b).”.”.

—Clare Daly.

SECTION 18

10. In page 25, between lines 28 and 29, to insert the following:

“(1A) Any child who breaches the rules of a children detention school may be sanctioned on the instructions of the Director of the school in a way that is both reasonable, proportionate and within the prescribed limits.

(1B) Without prejudice to the power of the Minister to prescribe limits for the disciplining of children detained in children detention schools, the following forms of sanction shall be prohibited:

- (a) corporal punishment or any other form of physical violence;
- (b) deprivation of food or drink;
- (c) treatment that could reasonable be expected to be detrimental to physical, psychological or emotional wellbeing; or
- (d) treatment that is cruel, inhuman or degrading.”.

—Clare Daly.

11. In page 26, line 38, after “sanction” to insert “and/or finding”.

—Clare Daly.