DÁIL ÉIREANN

AN BILLE UM CHEARTAS COIRIÚIL (CIONTA A BHAINEANN LE CÓRAIS FAISNÉISE), 2016
CRIMINAL JUSTICE (OFFENCES RELATING TO INFORMATION SYSTEMS) BILL 2016
LEASUITHE A RINNE AN SEANAD
AMENDMENTS MADE BY THE SEANAD

[No. 10a of 2016] [17 May, 2017]
SECTION 1
1. In page 3, line 30, to delete “or 6” and substitute “, 6 or 9(1)”.

SECTION 8
2. In page 6, line 25, to delete “or 6” and substitute “, 6 or 9(1)”.

SECTION 9
3. In page 7, between lines 9 and 10, to insert the following:

“Liability for offences by body corporate, etc.
9. (1) Where a relevant offence (other than an offence under this subsection) is committed for the benefit of a body corporate by a relevant person and the commission of the relevant offence is attributable to the failure, by a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, to exercise, at the time of the commission of the relevant offence and in all the circumstances of the case, the requisite degree of supervision or control of the relevant person, the body corporate shall be guilty of an offence.

(2) In proceedings for an offence under subsection (1), it shall be a defence for a body corporate against which such proceedings are brought to prove that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

(3) Where an offence under this Act is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person shall,
as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(4) **Subsection (1)**—

(a) is without prejudice to the other circumstances, under the general law, whereby acts of a natural person are attributed to a body corporate resulting in criminal liability of that body corporate for those acts, and

(b) does not exclude criminal proceedings against natural persons who are involved as perpetrators, inciters or accessories in an offence under this Act.

(5) In this section—

“relevant person”, in relation to a body corporate, means—

(a) a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, or

(b) an employee, subsidiary or agent of the body corporate;

“subsidiary”, in relation to a body corporate, has the meaning it has in the Companies Act 2014.”.

[Acceptance of this amendment involves the deletion of section 9 of the Bill.]