



SEANAD ÉIREANN

**AN BILLE UM FHORÉIGEAN BAILE, 2017
DOMESTIC VIOLENCE BILL 2017**

**LEASUITHE A RINNE AN DÁIL
AMENDMENTS MADE BY THE DÁIL**

SEANAD ÉIREANN

AN BILLE UM FHORÉIGEAN BAILE, 2017 [BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

DOMESTIC VIOLENCE BILL 2017 [SEANAD BILL AMENDED BY THE DÁIL]

*Leasuithe a rinne an Dáil
Amendments made by the Dáil*

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Seanad Éireann]*

SECTION 2

1. In page 6, between lines 25 and 26, the following inserted:

“ “civil proceedings under this Act” means—

- (a) proceedings relating to an application for the making, variation or discharge of a safety order, a barring order or an emergency barring order,
- (b) proceedings, consequent on the making of an application for a barring order, for the making, variation or discharge of an interim barring order which relates to the application,
- (c) proceedings, consequent on the making of an application for a safety order or a barring order, for the making, variation or discharge of a protection order which relates to the application,
- (d) proceedings by way of appeal or case stated which are related to proceedings to which *paragraph (a), (b) or (c)* applies;”.

2. In page 7, between lines 29 and 30, the following inserted:

“(3) For the avoidance of doubt, a relationship does not cease to be an intimate relationship for the purposes of this Act by reason only that it is no longer sexual in nature.”.

SECTION 6

3. In page 9, line 21, “and committed” deleted.

SECTION 7

4. In page 11, line 25, “and committed” deleted.

SECTION 9

5. In page 16, line 12, “and committed” deleted.

6. In page 16, lines 16 and 17 deleted and the following substituted:

“(2) The court may only make an order under this section in respect of a place where an applicant or a dependent person resides and where—”.

[SECTION 9]

7. In page 16, line 22, “Where the court, on application to it under *subsection (2)*, is of the opinion” deleted and “Subject to *subsection (2)*, where the court, on application to it, is of the opinion” substituted.

SECTION 10

8. In page 18, lines 21 to 24 deleted.

SECTION 19

9. In page 24, lines 14 to 17 deleted.
10. In page 24, between lines 20 and 21, the following inserted:

“(5) A court may direct that a relevant order be served personally by a member of the Garda Síochána on a respondent who is not present at a sitting of the court at which the order is made in any case where—

- (a) there are reasonable grounds for believing that the respondent may evade service of the order, or
- (b) there is any other good and sufficient reason to so direct.”.

SECTION 23

11. In page 27, lines 4 to 11, all words from and including “The” in line 4 down to and including line 11 deleted and the following substituted:

“The jurisdiction of the court in respect of civil proceedings under this Act may be exercised—

- (a) as regards the Circuit Court, by the judge of the Circuit Court within whose circuit, and
- (b) as regards the District Court, by a judge of the District Court for the time being assigned to the district court district within which,

the applicant resides or, if the application is for a barring order or an emergency barring order, the place, in relation to which that application was made, is situated.”.

12. In page 27, lines 15 to 17 deleted.

SECTION 25

13. In page 27, after line 36, the following inserted:

“Special sitting of District Court

25. (1) A member of the Garda Síochána not below the rank of sergeant may request the Courts Service to arrange a special sitting of the District Court for the purposes specified in *subsection (2)*—

- (a) where a person has informed the member that he or she wishes to make an application referred to in *paragraph (a)* of that subsection, and
- (b) at the time the person so informs the member, there is no District Court sitting in the district court district in which that person would make such an application if that court was sitting.

[SECTION 25]

- (2) The purposes referred to in *subsection (1)* are—
 - (a) to facilitate the making and determination of an application for an interim barring order, an emergency barring order or a protection order, and
 - (b) where necessary for the purposes of an application referred to in *paragraph (a)*, to facilitate the making of an application for a safety order or a barring order.
- (3) The Courts Service may, with the consent of a judge of the District Court exercising jurisdiction in accordance with *section 23*, arrange such special sittings of the District Court in the district court district referred to in *subsection (1)(b)* as may be necessary for the purposes specified in *subsection (2)*.
- (4) In this section, “special sitting” means a sitting of the District Court at a place and time not standing appointed for the time being under section 26 of the Courts of Justice Act 1953 or section 40 or 42 of the Courts (Supplemental Provisions) Act 1961 for the transaction of the business of the District Court.”.

14. In page 28, lines 2 and 3, “In an application for a safety order, a barring order, an interim barring order, an emergency barring order or a protection order,” deleted and “In civil proceedings under this Act,” substituted.

SECTION 27

15. In page 28, line 35, “In proceedings under this Act, other than proceedings for” deleted and “In civil proceedings under this Act, other than proceedings for the making of” substituted.

SECTION 34

16. In page 31, lines 16 to 19 deleted.

SECTION 39

17. In page 34, between lines 15 and 16, the following inserted:

“(9) Where a person has been acquitted of an offence in a place other than the State, he or she shall not be proceeded against for an offence under this section consisting of the alleged act or acts constituting the first-mentioned offence.

(10) Where a person has been convicted of an offence in a place other than the State, he or she shall not be proceeded against for an offence under this section consisting of the act or acts constituting the first-mentioned offence.”.

SECTION 40

18. In page 35, line 13, “and committed” deleted.

SECTION 41

19. In page 36, line 10, “and committed” deleted.

SECTION 43

20. In page 36, lines 26 to 38 deleted and the following substituted:

“Continuation of proceedings

43. (1) Where on the coming into operation of *Part 2*, proceedings referred to in *subsection (2)* have been commenced under the Act of 1996 but not determined, those proceedings shall be continued as if they were civil proceedings under this Act.

[SECTION 43]

(2) *Subsection (1)* applies to the following proceedings:

- (a) proceedings for the making, variation or discharge of a safety order or a barring order;
- (b) proceedings, consequent on the making of an application for a barring order, for the making, variation or discharge of an interim barring order which relates to the application;
- (c) proceedings, consequent on the making of an application for a safety order or barring order, for the making, variation or discharge of a protection order which relates to the application;
- (d) any proceedings by way of appeal or case stated which are related to proceedings to which *paragraph (a), (b) or (c)* applies.”.

SECTION 45

21. In page 37, between lines 17 and 18, the following inserted:

“Amendment of section 12 of Criminal Evidence Act 1992

45. Section 12(1) (amended by section 30 of the Criminal Justice (Victims of Crime) Act 2017) of the Criminal Evidence Act 1992 is amended in the definition of “relevant offence”—

(a) by the insertion of the following paragraph after paragraph (d):

“(da) an offence under *section 33, 39 or 40* of the *Domestic Violence Act 2018*;”

and

(b) in paragraph (e), by the substitution of “(c), (d) or (da)” for “(c) or (d)”.”.

SECTION 52

22. In page 40, between lines 31 and 32, the following inserted:

“Amendment of Schedule 3 to National Vetting Bureau (Children and Vulnerable Persons) Act 2012

52. Schedule 3 to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 is amended by the substitution of the following paragraph for paragraph 1:

“1. An offence under section 17 of the Domestic Violence Act 1996 or *section 33, 37 or 38* of the *Domestic Violence Act 2018*.”.

NEW SECTION

23. In page 41, after line 7, the following inserted:

“Amendment of section 3 of Mediation Act 2017

54. Section 3(1) of the Mediation Act 2017 is amended by the substitution of the following paragraph for paragraph (h):

[NEW SECTION]

“(h) proceedings under the *Domestic Violence Act 2018*;”.

24. In page 41, after line 7, the following inserted:

“Amendment of section 2 of Criminal Justice (Victims of Crime) Act 2017

55. Section 2(1) of the Criminal Justice (Victims of Crime) Act 2017 is amended in the definition of “protection measure” by the substitution of the following paragraph for paragraph (c):

“(c) advice regarding safety orders, barring orders, interim barring orders, emergency barring orders and protection orders within the meaning of the *Domestic Violence Act 2018*;”.