



DÁIL ÉIREANN

**AN BILLE UM MIONNÚ ÉITHIGH AGUS CIONTA
GAOLMHARA, 2018**

PERJURY AND RELATED OFFENCES BILL 2018

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM MIONNÚ ÉITHIGH AGUS CIONTA GAOLMHARA, 2018 —AN COISTE

PERJURY AND RELATED OFFENCES BILL 2018 —COMMITTEE STAGE

Leasuithe Amendments

SECTION 1

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

“ “Act of 2020” means the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020;”.

—An tAire Dlí agus Cirt.

2. In page 7, between lines 11 and 12, to insert the following:

“ “enactment” has the same meaning as it has in the Interpretation Act 2005;”.

—An tAire Dlí agus Cirt.

3. In page 7, to delete line 18 and substitute the following:

“ “perjury” shall, except where the context otherwise requires, be construed in accordance with *section 2(1)*;”.

—An tAire Dlí agus Cirt.

4. In page 7, to delete lines 19 to 23.

—An tAire Dlí agus Cirt.

5. In page 7, to delete line 26 and substitute the following:

“ “subornation of perjury” shall, except where the context otherwise requires, be construed in accordance with *section 3(1)*;”.

—An tAire Dlí agus Cirt.

6. In page 7, after line 28, to insert the following:

“(1) Section 21(3) of the Act of 2020 shall not apply in respect of any reference in this Act to an affidavit or a statutory declaration.”.

—An tAire Dlí agus Cirt.

[SECTION 2]

SECTION 2

7. In page 8, lines 2 to 22, to delete all words from and including “ (1) If” in line 2 down to and including line 22 and substitute the following:

“(1) A person commits an offence (in this Act referred to as perjury) if he or she, in, or for the purpose of, a judicial or other proceeding, gives a statement material in the proceeding—

- (a) while lawfully sworn as a witness or as an interpreter,
- (b) on affidavit, or
- (c) in a statement of truth made in place of an affidavit in accordance with section 21 of the Act of 2020,

that is false, and he or she knows to be false.

- (2) Where, pursuant to an enactment, a statement is made by a person in a manner specified in *paragraph (a), (b) or (c) of subsection (1)*—

- (a) within the State for the purposes of a proceeding outside the State and such proceeding corresponds to a judicial or other proceeding in the State, or
- (b) outside the State for the purposes of a judicial or other proceeding within the State,

the statement shall be treated for the purposes of this Act as a statement made in such a manner in, or for the purpose of, a judicial or other proceeding in the State.

- (3) Where proceedings are brought against a person for the alleged commission of perjury, the question as to whether a statement given by the person was material in a judicial or other proceeding is a question of law to be determined by the court of trial in the proceedings for perjury.”.

—An tAire Dlí agus Cirt.

SECTION 3

8. In page 8, lines 26 to 31, to delete all words from and including “ (1) Without” in line 26 down to and including line 31 and substitute the following:

“(1) A person commits an offence (in this Act referred to as subornation of perjury) if he or she procures, persuades, induces or otherwise causes another person to commit perjury, knowing or being reckless as to whether the other person is committing such offence.

- (2) For the purposes of *subsection (1)*, it shall be immaterial whether or not the other person referred to in that subsection has been convicted of the perjury to which the alleged subornation of perjury relates.

[SECTION 3]

- (3) Where proceedings are brought against a person for the alleged commission of subornation of perjury, the question as to whether a statement given by the other person referred to in *subsection (1)* was material in a judicial or other proceeding is a question of law to be determined by the court of trial in the proceedings for subornation of perjury.”.

—An tAire Dlí agus Cirt.

SECTION 4

9. In page 8, to delete lines 35 to 38, and in page 9, to delete lines 1 to 6 and substitute the following:

“(1) Where, on or after the coming into operation of this subsection, a person commits an offence referred to as perjury, howsoever described, in an enactment specified in Schedule 1, he or she shall be liable to be proceeded against and punished as if he or she were guilty of perjury under this Act.

- (2) A reference in an enactment specified in Schedule 2 to perjury or to subornation of perjury, howsoever described, in relation to an act committed on or after the coming into operation of this subsection, shall be construed as a reference to perjury or to subornation of perjury, as the case may be, within the meaning of this Act.”.

—An tAire Dlí agus Cirt.

SECTION 5

10. In page 9, line 10, to delete “dishonestly” where it firstly occurs.

—An tAire Dlí agus Cirt.

11. In page 9, line 10, to delete “dishonestly” where it secondly occurs.

—An tAire Dlí agus Cirt.

12. In page 9, line 11, to delete “material in those proceedings” and substitute “material for that purpose”.

—An tAire Dlí agus Cirt.

13. In page 9, to delete lines 15 to 17 and substitute the following:

“(2) A person who gives or causes to be given, or adduces or causes to be adduced, an affidavit for the purposes of the Bills of Sale (Ireland) Acts 1879 and 1883 that—

- (a) is false in any material aspect, and
(b) he or she knows to be false,
commits an offence.”.

—An tAire Dlí agus Cirt.

SECTION 6

14. In page 9, line 19, to delete “dishonestly”.

—An tAire Dlí agus Cirt.

[SECTION 6]

15. In page 9, line 20, to delete “dishonestly”.

—An tAire Dlí agus Cirt.

16. In page 9, line 21, to delete “material in those proceedings”.

—An tAire Dlí agus Cirt.

17. In page 9, between lines 23 and 24, to insert the following:

“(b) a statement of truth made in place of a statutory declaration in accordance with section 21 of the Act of 2020.”

—An tAire Dlí agus Cirt.

18. In page 9, line 26, to delete “relevant Act” and substitute “enactment”.

—An tAire Dlí agus Cirt.

19. In page 9, line 28, to delete “relevant Act” and substitute “enactment”.

—An tAire Dlí agus Cirt.

SECTION 8

Section proposed to be deleted.

—An tAire Dlí agus Cirt.

SECTION 9

20. In page 10, lines 14 and 15, to delete “an offence against this Act” and substitute “an offence under this Act”.

—An tAire Dlí agus Cirt.

SECTION 11

21. In page 10, to delete line 27 and substitute the following:

“(b) for subornation of perjury in respect of perjury alleged to have been committed on any such trial.”

—An tAire Dlí agus Cirt.

SECTION 14

22. In page 11, between lines 10 and 11, to insert the following:

“Liability of directors and officers of corporate bodies

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

- (2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies in relation to the acts or defaults of a member in connection with his or her

[SECTION 14]

functions of management as if he or she were a director or manager of the body corporate.”.

—An tAire Dlí agus Cirt.

23. In page 11, lines 12 to 14, to delete all words from and including “ (1) Proceedings” in line 12 down to and including line 14 and substitute the following:

“(1) No proceedings for an offence under this Act, or for an offence of perjury or subornation of perjury under any other enactment or law, shall be brought except by, or with the consent of, the Director of Public Prosecutions.”.

—An tAire Dlí agus Cirt.

24. In page 11, line 16, to delete “offence under this section” and substitute the following:

“offence under this Act or an offence of perjury or subornation of perjury under any other enactment or law”.

—An tAire Dlí agus Cirt.

SECTION 15

25. In page 11, between lines 25 and 26, to insert the following:

“(1) Where the making of a false statement is—

- (a) an offence under *section 5* or *6* of this Act, and
 - (b) an offence that is punishable on summary conviction only under another enactment that came into operation before the coming into operation of this Act,
- a person shall be liable to be proceeded against for such an offence under the other enactment only.”.

—An tAire Dlí agus Cirt.

26. In page 11, to delete lines 31 to 39, and in page 12, to delete line 1.

—An tAire Dlí agus Cirt.

SECTION 17

27. In page 12, line 8, to delete “Perjury and Related Offences Act 2019” and substitute “Criminal Justice (Perjury and Related Offences) Act 2021”.

—An tAire Dlí agus Cirt.

28. In page 12, line 20, to delete “Minister” and substitute “Minister for Justice”.

—An tAire Dlí agus Cirt.

SCHEDULE 1

29. In page 13, between lines 1 and 2, to insert the following:

“SCHEDULE 1

Section 4(1)

1. Foreign Tribunals Evidence Act 1856, section 3

[SCHEDULE 1]

2. Public Works Loans Act 1875, section 44
3. General Prisons (Ireland) Act 1877, section 11
4. Dundalk Harbour and Port Act 1925, section 73(8)
5. Arterial Drainage Act 1925, section 28(2)
6. Limerick Harbour Act 1926, section 24(9)
7. River Owenmore Drainage Act 1926, section 19(2)
8. Barrow Drainage Act 1927, section 30(2)
9. Electricity (Supply) Act 1927, section 88(4)
10. Cork Harbour Act 1933, section 7(9)
11. Galway Harbour Act 1935, section 58(9)
12. Shops (Hours of Trading) Act 1938, section 5(2)
13. Industrial Alcohol Act 1938, section 29(2)
14. Turf Development Act 1946, section 42(2)
15. Coast Protection Act 1963, section 27(2)
16. Fishery Harbour Centres Act 1968, section 2(6)
17. Court of Justice of the European Communities (Perjury) Act 1975, section 1
18. Gas Act 1976, Second Schedule, Article 7(3)
19. Criminal Evidence Act 1992, section 29(3)
20. Diplomatic and Consular Officers (Provision of Services) Act 1993, section 6
21. Children Act 1997, section 21(3)
22. Employment Permits Act 2006, section 35(4)

SCHEDULE 2

Section 4(2)

1. Tumultuous Risings Act 1775, sections 16 and 22
2. Dublin Police Magistrates Act 1808, sections 57 and 124
3. Evidence (Ireland) Act 1815, section 8
4. Evidence on Commission Act 1831, section 7
5. Church Temporalities Act 1833, section 123
6. Civil Procedure Act 1833, section 23
7. Debtors (Ireland) Act 1840, section 78
8. Perpetuation of Testimony Act 1842, section 1
9. Lands Clauses Consolidation Act 1845, section 149
10. Railways Clauses Consolidation Act 1845, section 160
11. Markets and Fairs Clauses Act 1847, section 57
12. Gasworks Clauses Act 1847, section 44
13. Harbours, Docks, and Piers Clauses Act 1847, section 96
14. Cemeteries Clauses Act 1847, section 65
15. Town Police Clauses Act 1847, section 76
16. Attachment of Goods (Ireland) Act 1850, section 10
17. Civil Bill Courts (Ireland) Act 1851, section 104
18. Fines Act (Ireland) 1851, section 6(2)
19. Dublin Carriage Act 1853, sections 66 and 68
20. Convict Prisons (Ireland) Act 1854, section 21
21. Chancery and Common Law Offices (Ireland) Act 1867, sections 17, 45 and 53
22. Commissioners For Oaths (Ireland) Act 1872, sections 5 and 9
23. Slave Trade Act 1873, section 22
24. Public Health (Ireland) Act 1878, section 262
25. Explosive Substances Act 1883, section 6(2)
26. Central Bank Act 1942, section 33BA(8)
27. Criminal Justice Act 1951, First Schedule, reference number 3
28. Solicitors (Amendment) Act 1960, section 29
29. Extradition Act 1965, section 3(1)
30. Redundancy Payments Act 1967, section 39(17)

[SCHEDULE 1]

31. Local Elections (Petitions and Disqualifications) Act 1974, section 20(2)
32. Criminal Law (Jurisdiction) Act 1976, section 12(8)
33. Bankruptcy Act 1988, section 21(4)
34. Child Abduction and Enforcement of Custody Orders Act 1991, section 36(5)
35. Patents Act 1992, section 130(3)
36. Criminal Evidence Act 1992, section 27(2)
37. Electoral Act 1992, Third Schedule, Rule 15
38. Referendum Act 1994, section 52(2)
39. Ethics in Public Office Act 1995, section 32(5)
40. Proceeds of Crime Act 1996, sections 9(2) and 16B(6)(b)
41. European Parliament Elections Act 1997, Schedule 2, Rule 142(2)
42. Taxes Consolidation Act 1997, section 1066 and Schedule 27
43. Children Act 1997, section 28(2)
44. Commission to Inquire into Child Abuse Act 2000, section 14(7)
45. Valuation Act 2001, Schedule 2, paragraph 10
46. Children Act 2001, section 255(5)
47. Mental Health Act 2001, section 49(5)
48. Residential Institutions Redress Act 2002, section 7(6)
49. Social Welfare Consolidation Act 2005, section 333(11)
50. Criminal Law (Insanity) Act 2006, section 12(5)
51. Criminal Justice (Mutual Assistance) Act 2008, section 2(1)
52. Criminal Procedure Act 2010, section 7
53. Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013, sections 29(1), 75(2), 81(1) and 90(2)
54. Companies Act 2014, section 671(7), subsections (1) and (3) of section 881 and sections 931A(7), 938(7) and 1500(3)
55. Financial Services and Pensions Ombudsman Act 2017, section 47(10)
56. Judicial Council Act 2019, subsections (4) and (6) of section 69
57. Rules of Procedure (Defence Forces) 2019 (S.I. No. 555 of 2019), Rule 61
58. Companies Act 2014 (Procedures Governing the Conduct of Section 934 Investigations) Regulations 2020 (S.I. No. 16 of 2020), Regulation 8(9)".

—An tAire Dlí agus Cirt.

[Acceptance of this amendment involves the deletion of schedule 1 of the Bill.]

[SCHEDULE 2]

SCHEDULE 2

30. In page 16, to delete lines 24 and 25.

—An tAire Dlí agus Cirt.

31. In page 20, to delete lines 11 to 22 and substitute the following:

“

9 Edw. 7 c. 49	Assurance Companies Act 1909	Section 24	Substitute for section: “Penalty for falsifying statements etc. 24. If any account balance sheet, abstract, statement, or other document required by this Act is false in any particular to the knowledge of any person who signs it, that person shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of an offence under <i>section 6 of the Criminal Justice (Perjury and Related Offences) Act 2021.</i> ”.
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—An tAire Dlí agus Cirt.

32. In page 20, to delete lines 23 to 35 and substitute the following:

“

9 & 10 Geo. 5 c. 51	Checkweighing in Various Industries Act 1919	Section 3	In subsection (4) substitute “that person shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of an offence under <i>section 6 of the Criminal Justice (Perjury and Related Offences) Act 2021.</i> ” for “he shall be guilty of a misdemeanour and liable to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine, or to both such imprisonment and fine.”.
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—An tAire Dlí agus Cirt.

33. In page 20, to delete lines 36 to 45 and substitute the following:

“

No. 37 of 1938	Statutory Declarations Act 1938	Section 6	Substitute for section: “Penalty for false declaration 6. Every person who makes a statutory declaration which to his or her knowledge is false in any material respect shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of an offence under <i>section 6 of the Criminal Justice (Perjury and Related Offences) Act 2021</i> .”.
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—An tAire Dlí agus Cirt.

34. In page 21, to delete lines 1 to 11.

—An tAire Dlí agus Cirt.

35. In page 21, after line 11, to insert the following:

“

No. 16 of 1997	Bail Act 1997	Schedule	Insert the following paragraph after paragraph 42: “Offences under the Criminal Justice (Perjury and Related Offences) Act 2021 43. Any offence under the <i>Criminal Justice (Perjury and Related Offences) Act 2021</i> .”.
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—An tAire Dlí agus Cirt.

[TITLE]

TITLE

36. In page 7, to delete lines 5 and 6 and substitute the following:

“An Act to provide for offences relating to perjury, subornation of perjury, the making of certain false statements, the fabrication of evidence and other related matters; for those purposes to amend certain enactments; and to provide for related matters.”

—An tAire Dlí agus Cirt.