



SEANAD ÉIREANN

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

PERJURY AND RELATED OFFENCES BILL 2018

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

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

PERJURY AND RELATED OFFENCES BILL 2018 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 1

1. In page 7, between lines 16 and 17, to insert the following:

“ “perjury” has the same meaning that it has in *section 2(1)#*”.

—*Senator Pádraig Ó Céidigh.*

[#This is the appropriate reference if amendment No. 3 is accepted.]

2. In page 7, between lines 23 and 24, to insert the following:

“ “subornation of perjury” has the same meaning that it has in *section 3(1)#*”.

—*Senator Pádraig Ó Céidigh.*

[#This is the appropriate reference if amendment No. 5 is accepted.]

SECTION 2

3. In page 7, to delete lines 27 to 30, and in page 8, to delete lines 1 to 7 and substitute the following:

“2. (1) If any person lawfully sworn as a witness or as an interpreter in a judicial or other proceeding gives a statement material in that proceeding that—

(a) is false, and

(b) he or she knows to be false,

then he or she commits the offence of perjury.”

—*Senator Pádraig Ó Céidigh.*

4. In page 8, to delete lines 24 to 27.

—*Senator Pádraig Ó Céidigh.*

SECTION 3

5. In page 8, between lines 29 and 30, to insert the following:

“Subornation of perjury

3. (1) Without prejudice to section 7 of the Criminal Law Act 1997, a person commits an

[SECTION 3]

offence of subornation of perjury if he or she procures, persuades, induces or otherwise causes another person to make, while lawfully sworn in a judicial or other proceeding, a statement that is false.

- (2) The question whether a statement on which the offence of subornation of perjury is assigned was material is a question of law to be determined by the court of trial.
- (3) This section is without prejudice to the Criminal Justice (Mutual Assistance) Act 2008.”.

—*Senator Pádraig Ó Céidigh.*

6. In page 8, line 38, to delete “subordination” and substitute “subornation”.

—*Senator Pádraig Ó Céidigh.*

SECTION 4

7. In page 9, line 8, to delete “or misleading”.

—*Senator Pádraig Ó Céidigh.*

8. In page 9, line 9, to delete “or misleading”.

—*Senator Pádraig Ó Céidigh.*

9. In page 9, to delete lines 14 to 29.

—*Senator Pádraig Ó Céidigh.*

SECTION 5

10. In page 9, line 33, to delete “or misleading”.

—*Senator Pádraig Ó Céidigh.*

11. In page 9, line 34, to delete “or misleading”.

—*Senator Pádraig Ó Céidigh.*

12. In page 10, to delete lines 3 to 18.

—*Senator Pádraig Ó Céidigh.*

SECTION 6

13. In page 10, between lines 20 and 21, to insert the following:

“Fabrication of evidence

6. A person commits an offence if he or she, with intent to mislead any judicial or other proceeding—
 - (a) fabricates evidence by any means other than as provided for in respect of perjury or subornation of perjury, or
 - (b) knowingly makes use of such fabricated evidence.”.

—*Senator Pádraig Ó Céidigh.*

[SECTION 6]

14. In page 10, line 31, to delete “or misleading”.

—*Senator Pádraig Ó Céidigh.*

15. In page 10, line 32, to delete “or misleading”.

—*Senator Pádraig Ó Céidigh.*

16. In page 10, to delete lines 33 to 40, and in page 11, to delete lines 1 to 8.

—*Senator Pádraig Ó Céidigh.*

SECTION 7

17. In page 11, to delete lines 12 to 27.

—*Senator Pádraig Ó Céidigh.*

SECTION 8

18. In page 11, between lines 28 and 29, to insert the following:

“Corroboration

8. A person accused of an offence under this Act, or of any offence declared by any other Act—

- (a) to be perjury or subornation of perjury, or
- (b) to be punishable as perjury or subornation of perjury,

shall not be liable to be convicted of that offence upon the evidence of one witness only unless that evidence is corroborated in some material particular by evidence that implicates the person so accused.”.

—*Senator Pádraig Ó Céidigh.*

[Acceptance of this amendment involves the deletion of section 8 of the Bill.]

SECTION 11

19. In page 12, between lines 13 and 14, to insert the following:

“Penalties

11. A person who commits an offence under this Act is liable—

- (a) on summary conviction, to a class B fine or to imprisonment for a term not exceeding 12 months or to both,
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 7 years or to both.”.

—*Senator Pádraig Ó Céidigh.*

20. In page 12, between lines 13 and 14, to insert the following:

“Proceedings for offences

11. (1) Proceedings for an offence under this Act, or for the offence of perjury or subornation

[SECTION 11]

of perjury provided otherwise than under this Act, may only be brought and prosecuted by the Director of Public Prosecutions.

(2) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings in relation to an offence under this section may be commenced—

(a) at any time within 12 months from the date on which the offence was committed, or

(b) at any time within 6 months from the date on which evidence that, in the opinion of the person by whom such proceedings are brought, is sufficient to justify the bringing of proceedings, comes to such person's knowledge,

whichever is the later, but no such proceedings shall be commenced later than 3 years from the date on which the offence concerned was committed.”.

—*Senator Pádraig Ó Céidigh.*

21. In page 12, to delete lines 20 and 21 and substitute the following:

“(2) Without prejudice to the provisions of Part III of the Children Act 1997 that relate to a statement made in civil proceedings without oath by a child (within the meaning of that Part), nothing in this Act applies to a statement so made.”.

—*Senator Pádraig Ó Céidigh.*

SECTION 13

22. In page 12, between lines 35 and 36, to insert the following:

“(2) The Industrial and Provident Societies Acts 1893 to 2018, this subsection and, in so far as they relate to the amendment to the Industrial and Provident Societies Act 1893, *section 15(2)#* and *Schedule 2* may be cited together as the Industrial and Provident Societies Acts 1893 to 2019 and shall be read together as one.

(3) The Friendly Societies Acts 1896 to 2018, this subsection and, in so far as they relate to the amendment to the Friendly Societies Act 1896, *section 15(2)#* and *Schedule 2* may be cited together as the Friendly Societies Acts 1896 to 2019 and shall be read together as one.

(4) The Insurance Acts 1909 to 2018, this subsection and, in so far as they relate to the amendment to the Assurance Companies Act 1909, *section 15(2)#* and *Schedule 2* may be cited together as the Insurance Acts 1909 to 2019 and shall be read together as one.”.

—*Senator Pádraig Ó Céidigh.*

[#This is the appropriate reference if amendment Nos. 5, 13, 19 and 20 are accepted.]

[SCHEDULE 2]

SCHEDULE 2

23. In page 18, to delete lines 19 and 20 and substitute the following:

“

22 & 23 Vict. c. 17	Vexatious Indictments Act 1859	Section 1	Delete “Perjury,” where it first occurs, “Subornation of Perjury,” and “or (in the Case of an Indictment for Perjury) by the Direction of any Court, Judge, or public Functionary authorise by an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred, to direct a Prosecution for Perjury.”.
------------------------	-----------------------------------	-----------	---

”

—*Senator Pádraig Ó Céidigh.*

24. In page 20, to delete lines 17 to 29 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 commits an offence under <i>section 5 of the Perjury and Related Offences Act 2019.</i> ”.
----------------	------------------------------------	-----------	--

”

—*Senator Pádraig Ó Céidigh.*