



SEANAD ÉIREANN

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

PERJURY AND RELATED OFFENCES BILL 2018

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

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

PERJURY AND RELATED OFFENCES BILL 2018 —REPORT

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

*1. In page 7, to delete lines 12 to 14 and substitute the following:

“ “judicial or other proceeding” means a proceeding before any—

- (a) court,
- (b) tribunal, including a tribunal of inquiry or a commission of investigation, or
- (c) person having by law power to hear, receive and examine evidence on oath;”.

2. In page 10, between lines 30 and 31, to insert the following:

“Administration of oaths and affirmations

12. (1) Where, immediately prior to the coming into force of this section, a person is required to take an oath in judicial or other proceedings, whether civil or criminal, that person may instead choose either to take an oath or make an affirmation in the form prescribed for an oath in *subsection (3)* or for an affirmation in *subsection (4)*.

(2) An oath or affirmation made in accordance with the provisions of this section shall have the same force and effect in law as an oath made before the coming into law of this section.

(3) Any oath may be administered in the following form and manner—

The person taking the oath shall (either with or without holding a religious text suitable to that person in his or her uplifted hand) say or repeat after the officer administering the oath (which includes any and every person duly authorised to administer oaths or affirmations) the words:

“I, A.B., swear that the evidence that I shall give in these proceedings shall be the truth, the whole truth and nothing but the truth. I am aware that if I knowingly give false evidence I may be prosecuted for perjury.”.

(4) Any affirmation may be administered and made in the following manner—

The person making the affirmation shall say or repeat after the officer administering the affirmation (which term includes any and every person authorised to administer oaths or affirmations) the words:

“I, A.B., do solemnly and truly declare and affirm that the evidence I shall give in these proceedings shall be the truth, the whole truth and nothing but the truth. I am aware that if I knowingly give false evidence I may be prosecuted for perjury.”

- (5) The officer administering an oath or affirmation in accordance with *subsections (3) and (4)* shall do so without questioning the person concerning his or her choice made for the purpose of *subsection (1)*.
- (6) The Oaths Act 1888 and the Oaths Act 1909 are hereby repealed, provided that such repeal shall not affect the liability of any person to be prosecuted for perjury in respect of evidence given prior to the commencement of this section.”

—*Senators Michael McDowell, Victor Boyhan, Gerard P. Craughwell.*

3. In page 10, between lines 30 and 31, to insert the following:

“Form of affirmation in writing

12. Every affirmation in writing shall commence “I, _____, of _____, do solemnly and sincerely affirm,” and the form of place of the jurat shall be “Affirmed at _____, this ____ day of 20__”. Before me.”.

—*Senators Michael McDowell, Victor Boyhan, Gerard P. Craughwell.*

- *4. In page 11, to delete lines 4 to 7 and substitute the following:

- “(a) on summary conviction, to a class B fine or to imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €100,000 or imprisonment for a term not exceeding 10 years, or both.”.

- *5. In page 12, line 10, to delete “*section 15(2)*” and substitute “*section 16(2)*”.

- *6. In page 12, line 13, to delete “*section 15(2)*” and substitute “*section 16(2)*”.

- *7. In page 12, line 17, to delete “*section 15(2)*” and substitute “*section 16(2)*”.

8. In page 19, to delete lines 21 to 24.

—*Senators Michael McDowell, Victor Boyhan, Gerard P. Craughwell.*