



SEANAD ÉIREANN

**AN BILLE UM THAIFID CHOIRIÚLA (MALARTÚ
FAISNÉISE), 2019
CRIMINAL RECORDS (EXCHANGE OF INFORMATION)
BILL 2019**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM THAIFID CHOIRIÚLA (MALARTÚ FAISNÉISE), 2019 —AN COISTE

CRIMINAL RECORDS (EXCHANGE OF INFORMATION) BILL 2019 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 5

1. In page 6, between lines 8 and 9, to insert the following:

“(2) Where the Central Authority receives information in accordance with *subsection (1)* relating to a conviction made against a person by a Member State which would, if the conviction occurred in the State, be a conviction which:

- (a) could be regarded as spent by virtue of section 5 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, or
- (b) for the purposes of Garda vetting, that it could be a conviction to which Section 14A of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 applies;

than as appropriate, it shall be eligible to become spent in accordance with the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 or it shall be a conviction to which Section 14A of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 can apply.”.

—*Senator Lynn Ruane.*

SECTION 13

2. In page 11, between lines 9 and 10, to insert the following:

“Non-disclosure of information

13. For the avoidance of doubt, the Central Authority shall not transmit to the requesting Member State information relating to convictions in the State contained in the Criminal Records database in accordance with this Act where—

- (a) the conviction is regarded as spent by virtue of section 5 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016,
- (b) for a purpose specified in *Schedule 3*, the conviction is one to which Section 14A of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 applies,

[SECTION 13]

(c) it is a finding of guilt to which section 258 of the Children Act 2001 applies.”.

—*Senator Lynn Ruane.*