



SEANAD ÉIREANN

**BILLE NA LEANAÍ (LEASÚ), 2020
CHILDREN (AMENDMENT) BILL 2020**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

BILLE NA LEANAÍ (LEASÚ), 2020 —AN COISTE

CHILDREN (AMENDMENT) BILL 2020 —COMMITTEE STAGE

*Leasuithe
Amendments*

**Government amendments are denoted by an asterisk*

SECTION 1

*1. In page 3, between lines 8 and 9, to insert the following:

“Amendment of section 252 of Children Act 2001

1. (1) Section 252 of the Children Act 2001 is amended—

- (a) in subsection (1), by the substitution of “Subject to this section,” for “Subject to subsection (2),”;
- (b) by the insertion of the following subsections after subsection (1):

“(1A) Subsection (1) shall not apply to the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to a child where—

- (a) the proceedings concerned relate to the death of the child, and
- (b) such publication or inclusion in a broadcast would not result in a contravention of—
 - (i) that subsection in so far as it relates to another child, or
 - (ii) section 93.

(1B) Subsection (1) shall not apply to the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to the person against whom the offence concerned is alleged to have been committed where—

- (a) the person has attained the age of 18 years on or before the date on which the proceedings commence, and
- (b) such publication or inclusion in a broadcast of the report or picture would not result in a contravention of—
 - (i) that subsection in so far as it relates to another person, who is a child, or
 - (ii) section 93.

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(1C) Subsection (1B) is without prejudice to any other enactment or rule of law applicable to proceedings referred to in subsection (1) that operates to prohibit the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to any person.”,

(c) in subsection (2)—

(i) by the substitution of “Subject to subsection (2A), the court” for “The court”,
and

(ii) by the substitution of “best interests of the child” for “interests of the child”,
and

(d) by the insertion of the following subsection after subsection (2):

“(2A) The court shall not, in accordance with subsection (2), dispense with the requirements of subsection (1) in respect of a child where to do so would result in the contravention of—

(a) that subsection in so far as it relates to another child, or

(b) section 93.”.

(2) The amendments effected by *subsection (1)* shall, on and from the date on which this section comes into operation, apply to the publication or inclusion in a broadcast of a report or picture to which section 252(1) of the Children Act 2001 applies, irrespective of whether the proceedings referred to in that subsection were commenced before that date.”.

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

Amendment to Amendment No. 1.

I. To delete subsections (1) and (2) and substitute the following:

“(1) The Children Act 2001 is amended by the substitution of the following for section 252:

“Anonymity of child in court proceedings

252. (1) Subject to this section, in relation to any proceedings for an offence against a child or where a child is a witness in any such proceedings—

(a) no report which reveals the name, address or school of the child or includes any particulars likely to lead to his or her identification,
and

(b) no picture which purports to be or include a picture of the child or which is likely to lead to his or her identification,

shall be published or included in a broadcast.

(2) Subsection (1) shall not apply to the publication or inclusion in a broadcast or report of a report or picture referred to in paragraph (a) or (b) of that subsection relating to a child where—

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- (a) the proceedings concerned relate to the death of the child, and
 - (b) such publication or inclusion would not result in a contravention of—
 - (i) that subsection in so far as it related to another child, or
 - (ii) section 93.
- (3) Subsection (1) shall not apply to the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to the person against whom the offence concerned is alleged to have been committed where—
- (a) the person has attained the age of 18 years on or before the date on which the proceedings commence, and
 - (b) such publication or inclusion in a broadcast of the report or picture would not result in a contravention of—
 - (i) that subsection in so far as it relates to another person, who is a child, or
 - (ii) section 93.
- (4) Subsection (3) is without prejudice to any other enactment or rule of law applicable to proceedings referred to in subsection (1) that operates to prohibit the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to any person.
- (5) Subject to subsection (6), the court may dispense to any specified extent with the requirements of subsection (1) if it is satisfied that it is appropriate to do so in the best interests of the child.
- (6) The court shall not, in accordance with subsection (2), dispense with the requirements of subsection (1) in respect of a child where to do so would result in the contravention of—
- (a) that subsection in so far as it relates to another child, or
 - (b) section 93.
- (7) Where the court dispenses with the requirements of subsection (1), the court shall explain in open court why it is satisfied it should do so.
- (8) Subsections (3) to (6) of section 51 shall apply, with necessary modifications, for the purposes of this section.
- (9) Nothing in this section shall affect the law as to contempt of court.”.
- (2) The amendment effected by *subsection (1)* shall, on and from the date on which this section comes into operation, apply to the publication or inclusion in a broadcast of a report or picture to which section 252(1) of the Children Act 2001 applies, irrespective of whether the proceedings referred to in that subsection were

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commenced before that date.”.

—*Senators Michael McDowell and Victor Boyhan.*

2. In page 3, line 13, after “witness” to insert “, or is accused or convicted,”.

—*Senator Alice-Mary Higgins.*

3. In page 3, line 25, after “child” to insert “, unless said person accused or convicted is themself a child”.

—*Senator Alice-Mary Higgins.*

4. In page 3, line 25, after “child” to insert “, unless said person accused or convicted is themself a child at the time of charging”.

—*Senator Alice-Mary Higgins.*

5. In page 3, line 27, after “dispense” to insert “, fully or in part,”.

—*Senator Alice-Mary Higgins.*

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

“(3A) Where a child is accused or convicted for an offence of murder, attempted murder or manslaughter, no report which reveals the name, address or school of the accused or convicted child or includes a picture or image which purports to be or to include an image of the accused or convicted child shall be published or broadcast, except where such publication or broadcasting has been decided by the court to be in the interest of the child or in the public interest generally, including the protection of children generally.”.

—*Senator Alice-Mary Higgins.*

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

“(3A) (a) In relation to any proceedings where a child is accused or convicted for an offence of murder, attempted murder or manslaughter, no report which reveals the name, address or school of the accused or convicted child or includes a picture or image which purports to be or to include an image of the accused or convicted child shall be published or broadcast, except where such publication or broadcasting has been decided by the court to be in the interest of the child or in the public interest generally, including the protection of children generally.

(b) Nothing in this subsection should prejudice a court’s application of subsection (3) in a manner which it believes appropriate, having regard to the interests of a child who is a victim of an offence or a child who is a witness and to the public interest including the protection of children generally.”.

—*Senator Alice-Mary Higgins.*

[SECTION 2]

SECTION 2

* *Section proposed to be deleted.*

SECTION 3

*8. In page 4, after line 11, to insert the following:

“(3) This Act shall come into operation on such day or days as the Minister for Justice may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.”.

TITLE

*9. In page 3, to delete lines 5 to 7 and substitute the following:

“An Act to amend the Children Act 2001 to make further provision, in relation to proceedings to which section 252 of that Act applies, in respect of the publication and inclusion in a broadcast of reports or pictures identifying or likely to identify certain children; and to provide for related matters.”.