



# **DÁIL ÉIREANN**

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**AN BILLE FÁN mBINSE UM CERVICALCHECK (LEASÚ),  
2021**

**CERVICALCHECK TRIBUNAL (AMENDMENT) BILL 2021**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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## AN BILLE FÁN mBINSE UM CERVICALCHECK (LEASÚ), 2021 —AN COISTE

### CERVICALCHECK TRIBUNAL (AMENDMENT) BILL 2021 —COMMITTEE

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*Leasuithe  
Amendments*

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#### SECTION 1

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

#### **“Amendment of section 11 of CervicalCheck Tribunal Act 2019**

1. Section 11 of the CervicalCheck Tribunal Act 2019 is amended by the substitution of the following for subsection (2):

“(2) Where a person has received an award (other than an award under the CervicalCheck non-disclosure *ex-gratia* scheme) from any court or settlement in respect of any action arising out of any circumstances which could give rise to a claim before the Tribunal or in the event of a recurrence, the person shall be entitled to be heard by the Tribunal and the Tribunal may determine whether any further award is warranted.”.”.

—David Cullinane.

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

#### **“Amendment of section 2 of CervicalCheck Tribunal Act 2019**

1. Section 2 of the CervicalCheck Tribunal Act 2019 is amended in the definition of “relevant woman”, in paragraph (b), by the insertion of the following:

“(v) notwithstanding the above, any woman who had a screening history through CervicalCheck, whose slides have been found to be discordant and where such discordance may be the result of negligence, may apply to the Chair of the Tribunal who may consider if their application should proceed;”.”.

—Brid Smith, Gino Kenny, Paul Murphy, Richard Boyd Barrett.

3. In page 3, between lines 22 and 23, to insert the following:

“(b) by the substitution of the following paragraph for subsection (2):

“(2) A person may make a claim where—

[SECTION 1]

- (a) the person was entitled to institute proceedings in respect of a relevant claim, and
- (b) the limitation period in respect of instituting those proceedings has expired.”.”.

—David Cullinane.

SECTION 2

4. In page 4, between lines 6 and 7, to insert the following:

**“Amendment of section 17 of the CervicalCheck Tribunal Act 2019**

2. Section 17 of the CervicalCheck Tribunal Act 2019 is amended by the insertion of the following after subsection(6):

“(7) The Tribunal shall be entitled to award aggravated damages in circumstances where—

- (a) the Tribunal determines that a claimant has been cross-examined in an unnecessarily aggressive and/or adversarial manner by a respondent, or
- (b) the Tribunal determines that the respondent advanced a defence that it knew or ought reasonably to have known was not justified by the evidence available to that respondent.”.”.

—Brid Smith, Gino Kenny, Paul Murphy, Richard Boyd Barrett.

5. In page 4, between lines 6 and 7, to insert the following:

**“Reports**

2. Within 3 months of the passing of this Act the Minister shall prepare a report for the Oireachtas which shall detail—

- (a) the costs of the Tribunal to date,
- (b) the spend on the Tribunal’s own costs,
- (c) and the amount spent on compensation to victims of screening failures, and
- (d) the numbers of applications to the Tribunal,

and provide to the Oireachtas a statement on whether the current Act is fit for purpose in addressing the issue of negligent screening practices and its impact on the woman affected.”.

—Brid Smith, Gino Kenny, Paul Murphy, Richard Boyd Barrett.

TITLE

6. In page 3, line 7, after “period;” to insert “to provide for greater access to the Tribunal for woman affected by discordant smear results;”.

—Brid Smith, Gino Kenny, Paul Murphy, Richard Boyd Barrett.