



**An Bille um Gháinneáil ar Leanaí agus Ábhar a bhaineann le Teacht i dTír
Gnéasach ar Leanaí (Leasú), 2022**

**Child Trafficking and Child Sexual Exploitation Material (Amendment) Bill
2022**

Mar a leasaíodh i gCoiste

As amended in Committee



**AN BILLE UM GHÁINNEÁIL AR LEANAÍ AGUS ÁBHAR A BHAINNEANN LE
TEACHT I dTÍR GNÉASACH AR LEANAÍ (LEASÚ), 2022
CHILD TRAFFICKING AND CHILD SEXUAL EXPLOITATION MATERIAL
(AMENDMENT) BILL 2022**

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ACTS REFERRED TO

Child Trafficking and Pornography (Amendment) Act 2004 (No. 17)

Child Trafficking and Pornography Act 1998 (No. 22)

Children First Act 2015 (No. 36)

Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (No. 4)

Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 (No. 24)

Criminal Law (Sexual Offences) (Amendment) Act 2019 (No. 4)

Criminal Law (Sexual Offences) Act 2017 (No. 2)

Sex Offenders Act 2001 (No. 18)



**AN BILLE UM GHÁINNEÁIL AR LEANAÍ AGUS ÁBHAR A BHAINNEANN LE
TEACHT I dTÍR GNÉASACH AR LEANAÍ (LEASÚ), 2022
CHILD TRAFFICKING AND CHILD SEXUAL EXPLOITATION MATERIAL
(AMENDMENT) BILL 2022**

Bill

5

entitled

An Act to amend the title of the Child Trafficking and Pornography Act 1998
whereafter, following commencement of this Act, the Act of 1998 shall be titled the
“Child Trafficking and Child Sexual Abuse Material Act 1998”(Amendment); to amend
the title of the Child Trafficking and Pornography (Amendment) Act 2004
whereafter, following commencement of this Act, the Act of 2004 shall be titled the “Child
Trafficking and Child Sexual Exploitation Material (Amendment) Act 2004”; to
substitute the term “Child Pornography” with “Child Sexual Exploitation Material”
within those Acts and other Acts. 10

Be it enacted by the Oireachtas as follows: 15

Interpretation

1. In this Act—

“Act of 1998” means the Child Trafficking and Pornography Act 1998;

“Act of 2004” means the Child Trafficking and Pornography (Amendment) Act;

“child sexual abuse material” means any visual, audio, textual material, 20
digitally-generated or artificially created material that depicts or otherwise represents a
person who is, or is depicted or represented as being, a child and who is engaged in or is
depicted or represented as being engaged in real or simulated sexually explicit conduct,
or any visual representation of the sexual organs of a person who is, or is depicted or
represented as being, a child, for primarily sexual purposes; 25

“child sexual exploitation material” has the same meaning as “child sexual abuse
material” in this Act.

Amendment of Act of 1998

2. The Act of 1998 is amended—

(a) by the substitution of “Child Trafficking and Child Sexual Abuse Material Act 30
1998” for the title of the Act,

(b) in the long title, by the substitution of the word “pornography” with “Child

Sexual Abuse Material”,

- (c) in section 1(1), by the substitution of “Child Trafficking and Pornography Act 1998” with “Child Trafficking and Child Sexual Abuse Material Act 1998”,
- (d) in section 2—
 - (i) in subsection (1), by the substitution of “child pornography” with “child sexual abuse material”, and 5
 - (ii) in subsection (2), by the substitution of “child pornography” with “child sexual abuse material”,
- (e) in section 3—
 - (i) in subsection(3)(a), by the substitution of “child pornography” with “child sexual abuse material”, 10
 - (ii) in subsection (3)(b), by the substitution of “child pornography” with “child sexual abuse material”, and
 - (iii) in subsection (5), in paragraphs (a) and (b) of the definition of “sexual exploitation”, by the substitution of “child pornography” with “child sexual abuse material”, 15
- (f) in section 4—
 - (i) in the title of the section, by the substitution of “child pornography” with “child sexual abuse material”, and
 - (ii) in subsection (1), by the substitution of “child pornography” with “child sexual abuse material”, 20
- (g) in section 5—
 - (i) in the section title, by the substitution of “child pornography” with “child sexual abuse material”,
 - (ii) subsection (1)(a), by the substitution of “child pornography” with “child sexual abuse material”, 25
 - (iii) in subsection (1)(b), by the substitution of “child pornography” with “child sexual abuse material”,
 - (iv) in subsection (1)(c), by the substitution of “child pornography” with “child sexual abuse material”, 30
 - (v) in subsection (1)(e), by the substitution of “child pornography” with “child sexual abuse material”, and
 - (vi) in subsection (2), by the substitution of “child pornography” with “child sexual abuse material”,
- and 35
- (h) in section 6—
 - (i) in the section title by the substitution of “child pornography” with “child sexual abuse material”,

- (ii) in subsection (1), by the substitution of “child pornography” with “child sexual abuse material”,
- (iii) in subsection (2), by the substitution of “child pornography” with “child sexual abuse material”, and
- (iv) in subsection (3), by the substitution of “child pornography” with “child sexual abuse material”. 5

Amendment of Sex Offenders Act 2001

3. The Sex Offenders Act 2001 is amended—

- (a) in paragraph 16 of the Schedule, by the substitution of “Child Trafficking and Pornography Act 1998” with “Child Trafficking and Child Sexual Abuse Material Act 1998”, 10
- (b) in subclauses (b) to (d) of paragraph 16, by the substitution of “child pornography” with “child sexual abuse material”, and
- (c) by the insertion of the following section after section 33:

“Transitional provisions

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33A. For the avoidance of doubt, any person who, before the commencement of the *Child Trafficking and Child Sexual Exploitation Material (Amendment) Act 2025*, was subject to notification requirements under this Act in relation to an offence involving child pornography shall continue to be subject to those requirements after the commencement of that Act as if the offence involved child sexual abuse material.”. 20

Amendment of Act of 2004

4. The Act of 2004 is amended—

- (a) by the substitution of “Child Trafficking and Child Sexual Abuse Material (Amendment) Act 2004” for the title of the Act, and 25
- (b) in section 2—
 - (i) in subsection (1), by the substitution of “Child Trafficking and Pornography (Amendment) Act 2004” with “Child Trafficking and Child Sexual Abuse Material (Amendment) Act 2004”, and
 - (ii) in subsection (2), by the substitution of “Child Trafficking and Pornography Act 1998” with “Child Trafficking and Child Sexual Abuse Material Act 1998”. 30

Amendment of Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

5. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 is amended in Schedule 1— 35

- (a) in paragraph 13, by the substitution of “Child Trafficking and Pornography Act 1998” with “Child Trafficking and Child Sexual Abuse Material Act 1998”,

- (b) in paragraph 13(b), by the substitution of “child pornography” with “child sexual abuse material”, and
- (c) in paragraph 15(c), by the substitution of “Child Trafficking and Pornography Act 1998” with “Child Trafficking and Child Sexual Abuse Material Act 1998”.

Amendment of Children First Act 2015

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6. The Children First Act 2015 is amended—

- (a) in section 10(b), by the substitution of “child pornography” with “child sexual abuse material”, and
- (b) in paragraph 10 of Schedule 3, by the substitution of “Child Trafficking and Pornography Act 1998” with “Child Trafficking and Child Sexual Abuse Material Act 1998”. 10

Amendment of Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016

7. The Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 is amended—

- (a) in section 17, by the substitution of “child pornography” with “child sexual abuse material” in paragraphs (b) to (d), and 15
- (b) in paragraph 17 of Schedule 1, by the substitution of “Child Trafficking and Pornography Act 1998” with “Child Trafficking and Child Sexual Abuse Material Act 1998”.

Amendment of Criminal Law (Sexual Offences) Act 2017

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8. The Criminal Law (Sexual Offences) Act 2017 is amended—

- (a) in the long title, by the substitution of “child pornography” with “child sexual abuse material”,
- (b) in section 2, by the substitution of “child pornography” with “child sexual abuse material” in paragraphs (a) and (b), and 25
- (c) in paragraph 6 of the Schedule (as inserted by the Criminal Law (Sexual Offences) (Amendment) Act 2019)—
 - (i) by the substitution of “Child Trafficking and Pornography Act 1998” with “Child Trafficking and Child Sexual Abuse Material Act 1998”, and
 - (ii) in subclauses (b) to (f), by the substitution of “child pornography” with “child sexual abuse material”. 30

Legal continuity

- 9. (1) The amendments made by this Act shall not affect the validity of any proceedings, whether pending or completed, or any investigation, prosecution, conviction, sentence, order, requirement or obligation made, imposed, issued or otherwise undertaken before the commencement of this Act. 35

- (2) Any offence committed, or proceedings begun, before the commencement of this Act shall continue to be governed by the law in force at the time of the commission of the offence or the commencement of the proceedings.
- (3) Any reference in any document, including any warrant, indictment, order or other legal document, to “child pornography” shall be construed as a reference to “child sexual abuse material”. For avoidance of doubt, references to “child sexual exploitation material” in the title or preamble of this Act shall be construed as synonymous with “child sexual abuse material”.

Evidence and procedure

- 10. (1) Evidence that was collected, obtained or admissible in relation to an offence involving child pornography shall be deemed to be collected, obtained or admissible in relation to an offence involving child sexual abuse material. 10
- (2) Expert witnesses, opinions, evidence or testimony previously admissible in relation to child pornography shall be deemed equally admissible in relation to child sexual abuse material. 15

International obligations

- 11. Nothing in this Act shall prevent the State from complying with its obligations under international law, including—
 - (a) the United Nations Convention on the Rights of the Child and its Optional Protocols, 20
 - (b) Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011¹ on combating the sexual abuse and sexual abuse of children and child sexual abuse material (formerly referred to as child pornography), and
 - (c) the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). 25

Short title and commencement

- 12. (1) This Act may be cited as the Child Trafficking and Child Sexual Exploitation Material (Amendment) Act 2025.
- (2) This Act shall come into operation three months after the date of its passing to allow for necessary training and awareness of the changes amongst the judiciary, law enforcement, prosecutors, and other relevant stakeholders. 30

¹ OJ L335, 17.12.2011, p. 1-14

An Bille um Gháinneáil ar Leanaí agus
Ábhar a bhaineann le Teacht i dTír Gnéasach
ar Leanaí (Leasú), 2022

BILLE

(mar a leasaíodh i gCoiste)

dá ngairtear

Acht do leasú theideal an Achta um Gháinneáil ar Leanaí agus Pornagrafaíocht Leanaí, 1998 chun gurb é teideal Acht 1998, tar éis thosach feidhme an Achta seo, “An tAcht um Gháinneáil ar Leanaí agus Ábhar a bhaineann le Drochúsáid Ghnéasach Leanaí 1998”(Leasú); do leasú theideal an Achta um Gháinneáil ar Leanaí agus Pornagrafaíocht Leanaí (Leasú), 2004 chun gurb é teideal Acht 2004, tar éis thosach feidhme an Achta seo, “An tAcht um Gháinneáil ar Leanaí agus Ábhar a bhaineann le Teacht i dTír Gnéasach ar Leanaí (Leasú), 2004”; do chur an téarma “Ábhar a bhaineann le Teacht i dTír Gnéasach ar Leanaí” in ionad an téarma “Pornagrafaíocht Leanaí” sna hAchtanna sin agus in Achtanna eile.

Ordaíodh ag Seanad Éireann a chlóbhualadh,
11 Meitheamh, 2025

Child Trafficking and Child Sexual
Exploitation Material (Amendment) Bill
2022

BILL

(as amended in Committee)

entitled

An Act to amend the title of the Child Trafficking and Pornography Act 1998 whereafter, following commencement of this Act, the Act of 1998 shall be titled the “Child Trafficking and Child Sexual Abuse Material Act 1998”(Amendment); to amend the title of the Child Trafficking and Pornography (Amendment) Act 2004 whereafter, following commencement of this Act, the Act of 2004 shall be titled the “Child Trafficking and Child Sexual Exploitation Material (Amendment) Act 2004”; to substitute the term “Child Pornography” with “Child Sexual Exploitation Material” within those Acts and other Acts.

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BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
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