

An Bille um Orduithe Cosanta Sibhialta d'Íospartaigh Foréigin Ghnéasaigh, 2025

Victims of Sexual Violence Civil Protection Orders Bill 2025

Mar a leasaíodh sa Roghchoiste um Dhlí agus Ceart, Gnóthaí Baile agus Imirce

As amended in the Select Committee on Justice, Home Affairs and Migration

[No. 38a of 2025]

AN BILLE UM ORDUITHE COSANTA SIBHIALTA d'ÍOSPARTAIGH FORÉIGIN GHNÉASAIGH, 2025
VICTIMS OF SEXUAL VIOLENCE CIVIL PROTECTION ORDERS BILL 2025

Mar a leasaíodh sa Roghchoiste um Dhlí agus Ceart, Gnóthaí Baile agus Imirce

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AN BILLE UM ORDUITHE COSANTA SIBHIALTA d'ÍOSPARTAIGH FORÉIGIN GHNÉASAIGH, 2025
VICTIMS OF SEXUAL VIOLENCE CIVIL PROTECTION ORDERS BILL 2025

Bill

entitled

An Act to provide victims of sexual violence with the right to seek civil protection orders.

Be it enacted by the Oireachtas as follows:

Short title, collective citation, construction and commencement

1. (1) This Act may be cited as the Victims of Sexual Violence Civil Protection Orders Act 2025.

(2) This Act shall come into operation on such day or days as the Minister 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 different provisions.

Interpretation

2. In this Act—

"complainant" means a person in relation to whom an offence under:

(a) the Criminal Law (Rape) Act 1981;

(b) the Criminal Law (Rape) (Amendment) Act 1990;

(c) the Child Trafficking and Pornography Act 1998;

(d) the Criminal Law (Sexual Offences) Act 2006;

(e) the Criminal Law (Human Trafficking) Act 2008;

(f) the Criminal Law (Sexual Offences) Act 2017; or

(g) the common law offence of rape,

is found by a court to have been committed;

"relevant person" means a victim in relation to whom an order under *section 3* is sought or made;

"respondent" means a person who has been found guilty of an offence referred to in *paragraphs (a)* to *(g)* of *subsection (1)* of *section 3* and against whom an order under

section 3 is sought or made.

Civil protection orders for victims of sexual violence

3. (1) Where a respondent is guilty of an offence under—

(a) the Criminal Law (Rape) Act 1981;

(b) the Criminal Law (Rape) (Amendment) Act 1990;

(c) the Child Trafficking and Pornography Act 1998;

(d) the Criminal Law (Sexual Offences) Act 2006;

(e) the Criminal Law (Human Trafficking) Act 2008;

(f) the Criminal Law (Sexual Offences) Act 2017; or

(g) the common law offence of rape,

the court may, for the purpose of protecting the relevant person and without prejudice to any penalty imposed for the offence concerned, order that the respondent shall not, for such period as the court may specify, do one or more of the following—

(i) communicate by any means with or about the relevant person;

(ii) follow, observe, monitor, watch or otherwise keep the relevant person under surveillance, whether in person or by any electronic means;

(iii) approach within such distance as the court shall specify of the place of residence, education or employment or any other place frequented by the relevant person as the court deems appropriate.

(2) In determining whether to make, vary or renew an order under *subsection (1)*, and the terms, duration, scope and commencement date of any such order, the court shall have regard to—

(a) the need to protect the relevant person from intimidation, harassment, unwanted contact or harm by the respondent;

(b) the nature and circumstances of the offence concerned;

(c) the views of the relevant person, including any written or oral submissions made to the court;

(d) the effect of the proposed order on the rights and circumstances of the respondent; and

(e) all the circumstances of the case,

and shall not make an order unless satisfied that it is necessary and proportionate and that the interests of justice require the making of the order.

(3) An order made under *subsection (1)* shall specify the date on which it comes into effect and shall remain in force for such period as the court may specify.

(4) Where the respondent is serving a sentence of imprisonment, the court may direct that the order shall come into effect on the date of the respondent's release from custody or on such later date as the court considers appropriate having regard to the

circumstances of the case.

(5) The court may, on application by the relevant person, renew an order made under *subsection (1)* for one or more further periods, where it is satisfied that such renewal is necessary for the protection of the relevant person.

(6) An order under *subsection (1)* shall be in writing.

(7) A copy of an order under *subsection (1)*shall be given to—

(a) the person against whom the order is made ("the subject of the order"),

(b) the complainant, referred to in *subsection (1)*,

(c) the member of An Garda Síochána in charge of An Garda Síochána station for the area in which the person referred to in *paragraph (b)* resides, and

(d) if the subject of the order is sentenced to a period of imprisonment, the person for the time being in charge of the place where the subject of the order is, or is to be, imprisoned.

(8) Where an order under *subsection (1)* is made, the relevant person shall be notified of—

(a) the making of the order;

(b) the date on which the order comes into effect;

(c) the period for which the order shall remain in force; and

(d) any variation, renewal, or expiry of the order.

(9) Where an order under *subsection (1)* is in force and the respondent is serving a term of imprisonment, the relevant person shall, where he or she wishes to receive such information, be notified of—

(a) the anticipated date of release of the respondent;

(b) any temporary release granted to the respondent;

(c) any decision which significantly alters the expected date of release; and

(d) the release of the respondent from custody.

(10) The Minister may make regulations prescribing the manner in which notifications under this section are to be provided.

(11) The validity of an order under *subsection (1)* shall not be affected by non-compliance with *subsection (7)*.

(12) A person who fails to comply with the terms of an order under *subsection (1)* shall be guilty of an offence.

(13) A person guilty of an offence under *subsection (12)* shall be liable—

(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months, or to both, or

(b) on conviction on indictment to a fine or a term of imprisonment not exceeding 5 years, or to both.

(14) Without prejudice to any other enactment or rule of law, a court shall, in determining the sentence to be imposed on a person for an offence under this section, treat as an aggravating factor—

(a) the use or threat of violence against the victim or a person connected with the victim,

(b) conduct intended to cause the victim fear, distress or intimidation, or

(c) the fact that the offence was committed by a person who is or was in an intimate relationship with the relevant person.

(15) Subject to *subsections (16)* and *(17)*, where *subsection (14)* applies the court shall impose a sentence which is greater than that which would have been imposed in the absence of such factor.

(16) *Subsection (15)* shall not apply where the court considers that there are exceptional circumstances justifying it not applying that subsection.

(17) The sentence imposed as a result of the application of *subsection (15)* shall not be greater than the maximum sentence permissible for the offence concerned.

(18) A reference in *subsection (14)* to an offence against the complainant includes a reference to an offence involving damage of the property of the complainant.

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BILLE

(mar a leasaíodh sa Roghchoiste um Dhlí agus Ceart, Gnóthaí Baile agus Imirce)

dá ngairtear

Acht chun an ceart a thabhairt d'íospartaigh foréigin ghnéasaigh orduithe cosanta sibhialta a lorg.

Ordaíodh ag an Roghchoiste a chlóbhualadh,

3 *Samhain,* 2026

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(as amended in the Select Committee on Justice, Home Affairs and Migration)

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Ordered by the Select Committee to be printed,

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