



**An Bille um Neamhaird a Thabhairt ar Chionta Stairiúla
i dtaobh Gníomhaíocht Ghnéasach Chomhthoiliúil Idir
Fir, 2025**

**Disregard of Historic Offences for Consensual Sexual
Activity Between Men Bill 2025**

Meabhrán Míniúcháin
Explanatory Memorandum



**AN BILLE UM NEAMHAIRD A THABHAIRT AR CHIONTA
STAIRIÚLA I DTAOBH GNÍOMHAÍOCHT GHNÉASACH
CHOMHTHOILIÚIL IDIR FIR, 2025**
**DISREGARD OF HISTORIC OFFENCES FOR CONSENSUAL
SEXUAL ACTIVITY BETWEEN MEN BILL 2025**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The principal purpose of the Disregard of Historic Offences for Consensual Sexual Activity between Men Bill 2025 is to provide for a process for the disregard of certain historic criminal convictions or cautions arising from consensual sexual activity between men.

An apology was issued in Seanad Éireann on 19 June 2018 by Minister for Justice and Equality, Charlie Flanagan TD, to all those affected by the criminalisation of consensual sexual activity between men, marking 25 years from the repeal of the relevant laws.

A Working Group was established to Examine the Disregard of Convictions for Certain Qualifying Offences Related to Consensual Sexual Activity between Men, whose final report published by Minister for Justice Helen McEntee TD on 21 June 2023.

Of the 95 recommendations set out in this report, the number one recommendation was “That a legislative scheme is established to enable the disregard of relevant criminal records”, and this Bill seeks to deliver upon that recommendation.

Those convicted for consensual sexual activity continue to suffer as a result of this historic criminalisation, and a disregard could provide clarity that there are no grounds for dismissing or prejudicing a person from an office, profession, occupation, employment or any other rights and privileges to which citizens are entitled on the basis of such a conviction.

This Bill builds on legislation previously introduced to the Seanad, the Convictions for Certain Sexual Offences (Apology and Exoneration) Bill 2016, and the provisions attempt to address issues raised by Minister of State David Stanton TD on behalf of the Government during the Second Stage debate on that legislation.

Main Provisions of the Bill

The Long Title includes important context for the Bill and a general apology and acknowledgement on the part of the State for persecution and conviction under laws which criminalized consensual sexual activity between men.

Section 1 provides for the short title and commencement of the Bill.

Section 2 provides for the definitions of terms used in the Bill and contains standard interpretive clauses.

Section 3 allows the Minister for Justice to make regulations prescribing an offence for the purpose of sections 4 or 7. Subsection (2) gives power to the Minister regarding the content of any regulations to be issued under the aegis of the Bill. Subsection (3) specifies that any regulations made under the terms of the Bill must be brought before the Houses of the Oireachtas for approval.

Section 4 lists the qualifying offences to be included within the legislation and allows the Minister to add additional offences by way of regulation.

Section 5 provides for the determination by the Irish Human Rights and Equality Commission of applications for the disregard of certain qualifying offences. The Commission shall consider the application and decide to issue a certificate of disregard of a conviction or caution or refuse to disregard a conviction or caution.

Section 6 provides for the effect of a decision by the Irish Human Rights and Equality Commission or Appeals Officer on appeal to disregard a conviction or caution.

Section 7 provides for the notification by the Irish Human Rights and Equality Commission of a disregard of a conviction or caution to the Commissioner of the Garda Síochána or other prescribed body to amend details of relevant records in respect of disregarded offences. Section 7(5) provides that such amendment means recording the fact and effect of a disregarded conviction or caution.

Section 8 provides for the application process for disregard of a conviction or caution to the Irish Human Rights and Equality Commission.

Section 9 provides for appeals in relation to where the Irish Human Rights and Equality Commission has refused to disregard a conviction or caution. Section 10(7)-(10) provide for the appointment, qualification, number and term of appeals officers.

Section 10 provides for the review of the Bill by the Minister not later than 3 years after the commencement of the Act.

Section 11 provides for the annual reporting by the Irish Human Rights and Equality Commission to the Minister of the performance of its functions in relation to the Bill or making of other reports or recommendations as considered appropriate.

Section 12 provides for the Minister to take such measures necessary to inform the public of the process.

Section 13 provides that the application process shall be free of charge for Applicants and allows for support and assistance to be provided to Applicants by the Commission in the course of the process.

Section 14 provides for the amendment of the Irish Human Rights and Equality Commission Act 2014 by the insertion of section 10(2)(r) in relation to its functions.

Schedule 1 provides for the Table of Offences Criminalising Consensual Same-Sex Sexual Activity in Ireland as provided for in sections 5(1), (4) and 11.

Schedule 2 provides for the Table of Military Offences Criminalising Consensual Same-Sex Sexual Activity in Ireland as provided for in sections 5(1), (4) and 11.

Aengus Ó Snodaigh TD, Ged Nash TD, Pádraig Rice TD, Paul Murphy TD, Roderic O’Gorman TD, Catherine Connolly TD
July, 2025.