

An Bille um Cheartas Coiriúil (Íospartaigh na Coireachta gan Breith), 2026
Criminal Justice (Unborn Victims of Crime) Bill 2026

Mar a tionscnaíodh

As initiated

[No. 108 of 2026]

AN BILLE UM CHEARTAS COIRIÚIL (ÍOSPARTAIGH NA COIREACHTA GAN BREITH), 2026
CRIMINAL JUSTICE (UNBORN VICTIMS OF CRIME) BILL 2026

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Road Traffic Act 1961 (No. 24)

AN BILLE UM CHEARTAS COIRIÚIL (ÍOSPARTAIGH NA COIREACHTA GAN BREITH), 2026
CRIMINAL JUSTICE (UNBORN VICTIMS OF CRIME) BILL 2026

Bill

entitled

An Act to provide for criminal justice in respect of certain offences causing the death of an unborn child; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act—

"Act of 1961" means the Road Traffic Act 1961;

"unborn child" means an embryo or a foetus during the period of time commencing after implantation in the uterus of a woman and ending on the complete emergence of the foetus from the body of the woman;

"woman" means a female person of any age.

Manslaughter of unborn child

2. (1) Subject to *section 6(1)*, a person who—

(a) commits an offence of which a pregnant woman is a victim,

(b) thereby causes the death of an unborn child, and

(c) would, apart from this Act, be guilty of manslaughter of that child but for the fact that the child was not born alive prior to the time of the death,

shall be guilty of manslaughter.

(2) Without prejudice to the generality of *subsection (1)*, and subject to *section 6(1)*, a person who—

(a) kills an unborn child unlawfully, and

(b) intended to kill, or cause serious injury to, a person other than the unborn child,

shall be guilty of manslaughter.

Amendment of section 3 of Act of 1961

3. Section 3(1) of the Act of 1961 is amended by the insertion of the following definition:

" 'unborn child' has the same meaning as it has in the *Criminal Justice (Unborn Victims of Crime) Act 2026*;".

Amendment of section 52 of Act of 1961

4. Section 52 of the Act of 1961 is amended by the insertion of the following subsections after subsection (3):

"(4) In this section 'another person' includes an unborn child.

(5) Subsection (4) shall apply only in respect of an offence under this section committed by a person other than the mother of the unborn child concerned after the coming into operation of the *Criminal Justice (Unborn Victims of Crime) Act 2026*.".

Amendment of section 53 of Act of 1961

5. Section 53 of the Act of 1961 is amended by the insertion of the following subsections after subsection (5):

"(6) In this section 'another person' includes an unborn child.

(7) Subsection (6) shall apply only in respect of an offence under this section committed by a person other than the mother of the unborn child concerned after the coming into operation of the *Criminal Justice (Unborn Victims of Crime) Act 2026*.".

General provisions

6. (1) No woman shall be guilty of an offence under or by virtue of this Act in respect of her own unborn child.

(2) For the avoidance of doubt—

(a) in any proceedings for an offence to which this Act applies, it shall not be a defence to prove that, at the time of the conduct which caused the death of the unborn child concerned, the accused person was not aware, and neither believed nor had reason to believe, that the mother of the unborn child was pregnant, and

(b) this Act shall not prevent the conviction of any person for any offence for which that person could lawfully be convicted apart from this Act.

Short title

7. This Act may be cited as the Criminal Justice (Unborn Victims of Crime) Act 2026.

An Bille um Cheartas Coiriúil (Íospartaigh na Coireachta gan Breith), 2026

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir leis an gceartas coiriúil i leith cionta áirithe is cúis le bás linbh gan breith; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Teachtaí Carol Uí Nualláin, Micheál Ó hÉallaigh, Dónall Ó hÉallaigh, Micheál Ó Coileáin, Cainneach Ó Floinn, Risteárd Ó Donnchadha, Maitiú Mac Craith, Peadar Tóibín, Pól Laighléis agus Micheál Mac Giolla Mhuiris a thug isteach,

11 *Samhain,* 2026

Criminal Justice (Unborn Victims of Crime) Bill 2026

BILL

(as initiated)

entitled

An Act to provide for criminal justice in respect of certain offences causing the death of an unborn child; and to provide for related matters.

Introduced by Deputies Carol Nolan, Michael Healy-Rae, Danny Healy-Rae, Michael Collins, Ken O'Flynn, Richard O'Donoghue, Mattie McGrath, Peadar Tóibín, Paul Lawless and Michael Fitzmaurice,

11*th November,* 2026

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD, KILMAINHAM,
DUBLIN, D08 XAO6.
Tel: 046 942 3100
Email: publications@opw.ie
or through any bookseller.

€0.76

9 781399 343404