

Number 32 of 1990

CRIMINAL LAW (RAPE) (AMENDMENT) ACT, 1990

AN ACT TO AMEND THE LAW RELATING TO RAPE AND CERTAIN OTHER SEXUAL OFFENCES AND FOR THAT PURPOSE TO AMEND THE CRIMINAL LAW (RAPE) ACT, 1981 , AND CERTAIN OTHER ENACTMENTS.

[18th December, 1990]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

Alternative verdicts.

**8.**—(1) A person indicted for rape may, if the evidence does not warrant a conviction for rape but warrants a conviction for rape under *section 4* or aggravated sexual assault or sexual assault, be found guilty of rape under *section 4* or of aggravated sexual assault or of sexual assault, as may be appropriate.

(2) A person indicted for rape may, if the evidence does not warrant a conviction for rape but warrants a conviction for an offence under section 1 of the Criminal Law Amendment Act, 1935 , or under section 3 of the Criminal Law Amendment Act, 1885, be found guilty of an offence under the said section 1, 2 or 3, as may be appropriate.

(3) A person indicted for rape under *section 4* may, if the evidence does not warrant a conviction for rape under *section 4* but warrants a conviction for aggravated sexual assault or for sexual assault, be found guilty of aggravated sexual assault or of sexual assault, as may be appropriate.

(4) A person indicted for aggravated sexual assault may, if the evidence does not warrant a conviction for aggravated sexual assault but warrants a conviction for sexual assault, be found guilty of sexual assault.

(5) A person indicted for an offence made felony by section 1 of the Criminal Law Amendment Act, 1935 , may, if the evidence does not warrant a conviction for the felony or an attempt to commit the felony but warrants a conviction for an offence under section 2 of the Criminal Law Amendment Act, 1935 , or section 3 of the Criminal Law Amendment Act, 1885, or rape under *section 4* or aggravated sexual assault or sexual assault, be found guilty of an offence under the said section 2 or 3 or of rape under *section 4* or of aggravated sexual assault or of sexual assault, as may be appropriate.

(...)