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CRIMINAL LAW (SEXUAL OFFENCES) ACT 2006
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AN ACT TO PROVIDE FOR OFFENCES IN RELATION TO THE COMMISSION OF SEXUAL ACTS WITH CHILDREN UNDER THE AGE OF 17 YEARS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[2nd June, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

Defilement of child under 15 years of age.

2.—(1) Any person who engages in a sexual act with a child who is under the age of 15 years shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life or a lesser term of imprisonment.

(2) Any person who attempts to engage in a sexual act with a child who is under the age of 15 years shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life or a lesser term of imprisonment.

(3) It shall be a defence to proceedings for an offence under this section for the defendant to prove that he or she honestly believed that, at the time of the alleged commission of the offence, the child against whom the offence is alleged to have been committed had attained the age of 15 years.

(4) Where, in proceedings for an offence under this section, it falls to the court to consider whether the defendant honestly believed that, at the time of the alleged commission of the offence, the child against whom the offence is alleged to have been committed had attained the age of 15 years, the court shall have regard to the presence or absence of reasonable grounds for the defendant's so believing and all other relevant circumstances.

(5) It shall not be a defence to proceedings for an offence under this section for the defendant to prove that the child against whom the offence is alleged to have been committed consented to the sexual act of which the offence consisted.

Defilement of child under the age of 17 years.

3.—(1) Any person who engages in a sexual act with a child who is under the age of 17 years shall be guilty of an offence and shall, subject to subsection (3), be liable on conviction on indictment—

(a) to imprisonment for a term not exceeding 5 years, or

(b) if he or she is a person in authority, to imprisonment for a term not exceeding 10 years.

(2) Any person who attempts to engage in a sexual act with a child who is under the age of 17 years shall be guilty of an offence and shall, subject to subsection (4) be liable on conviction on indictment—

(a) to imprisonment for a term not exceeding 2 years, or

(b) if he or she is a person in authority, to imprisonment for a term not exceeding 4 years.

(3) A person who has been convicted of an offence under subsection (1) shall, in respect of any subsequent conviction of an offence under that subsection, be liable on conviction on indictment—

(a) to imprisonment for a term not exceeding 10 years, or

(b) if he or she is a person in authority, to imprisonment for a term not exceeding 15 years.

(4) A person who has been convicted of an offence under subsection (2) shall, in respect of any subsequent conviction of an offence under that subsection be liable on conviction on indictment—

(a) to imprisonment for a term not exceeding 4 years, or

(b) if he or she is a person in authority, to imprisonment for a term not exceeding 7 years.

(5) It shall be a defence to proceedings for an offence under this section for the defendant to prove that he or she honestly believed that, at the time of the alleged commission of the offence, the child against whom the offence is alleged to have been committed had attained the age of 17 years.

(6) Where, in proceedings for an offence under this section, it falls to the court to consider whether the defendant honestly believed that, at the time of the alleged commission of the offence, the child against whom the offence is alleged to have been committed had attained the age of 17 years, the court shall have regard to the presence or absence of reasonable grounds for the defendant's so believing and all other relevant circumstances.

(7) It shall not be a defence to proceedings for an offence under this section for the defendant to prove that the child against whom the offence is alleged to have been committed consented to the sexual act of which the offence consisted.

(8) An offence under subsection (2) shall be an arrestable offence for the purposes of the Criminal Law Act 1997.

(9) No proceedings for an offence under this section against a child under the age of 17 years shall be brought except by, or with the consent of, the Director of Public Prosecutions.

(10) A person who—

(a) has been convicted of an offence under this section, and

(b) is not more than 24 months older than the child under the age of 17 years with whom he or she engaged or attempted to engage in a sexual act,

shall not be subject to the provisions of the Sex Offenders Act 2001.

(...)