

SEXUAL OFFENCES (JURISDICTION) ACT 1996

AN ACT TO EXTEND THE CRIMINAL LAW OF THE STATE TO SEXUAL ACTS INVOLVING CHILDREN DONE OUTSIDE THE STATE BY CITIZENS OF THE STATE OR BY PERSONS ORDINARILY RESIDENT IN THE STATE AND TO PROVIDE FOR RELATED MATTERS.

[19th December, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(...)

Sexual offences committed outside State.

2.- (1) Where a person, being a citizen of the State or being ordinarily resident in the State, does an act, in a place other than the State ("the place"), against or involving a child which—

(a) constitutes an offence under the law of the place, and

(b) if done within the State, would constitute an offence under, or referred to in, an enactment specified in the Schedule to this Act,

he or she shall be guilty of the second-mentioned offence.

(2) Where a person, being a citizen of the State or being ordinarily resident in the State, attempts to commit an offence which is an offence by virtue of subsection (1) of this section ("the principal offence"), he or she shall be guilty of an offence and shall be liable on conviction on indictment to a penalty not greater than the penalty to which he or she would have been liable if he or she had been convicted of the principal offence.

(3) Where a person aids, abets, counsels or procures, in the State, the commission of an offence, which is an offence by virtue of subsection (1) of this section, he or she shall be guilty of that offence.

(4) Where a person, being a citizen of the State or being ordinarily resident in the State, aids, abets, counsels or procures, outside the State, the commission of an offence, which is an offence by virtue of subsection (1) of this section, he or she shall be guilty of that offence.

(5) Where a person conspires with, or incites, inside the State, another person to commit an offence, which is an offence by virtue of subsection (1) of this section ("the principal offence"), he or she shall be guilty of an offence and shall be liable on conviction on indictment to a penalty not exceeding the penalty to which he or she would be liable if he or she were convicted of the principal offence.

(6) Where a person, being a citizen of the State or being ordinarily resident in the State, conspires with, or incites, outside the State, another person to commit an offence, which is an offence by virtue of subsection (1) of this section ("the principal offence"), he or she shall be guilty of an offence and shall be liable on conviction on indictment to a penalty not exceeding the penalty to which he or she would be liable if he or she were convicted of the principal offence.

(7) For the purposes of proceedings for an offence to which this section relates, a person shall be deemed to be ordinarily resident in the State if he or she has had his or her principal residence within the State for the period of 12 months immediately preceding the alleged commission of the said offence.

Offence to transport person for purposes of enabling offence to which section 2 (1) relates to be committed.

3. - (1) A person who, in the State, makes an arrangement to transport a person to a place in or outside the State or who authorises the making of such an arrangement for or on behalf of another person, knowingly for the purpose of enabling that person or any other person to commit an offence, which is an offence by virtue of section 2 (1) of this Act, shall be guilty of an offence.

(2) A person who transports another person from a place in the State to a place in or outside the State, knowingly for the purpose of enabling that person or any other person to commit an offence, which is an offence by virtue of section 2 (1) of this Act, shall be guilty of an offence.

Offence to publish information likely to promote etc. commission of offence to which section 2 (1) relates.

4. - A person who publishes information which is intended to or, having regard to all the circumstances, is likely to promote, advocate or incite the commission of an offence, which is an offence by virtue of section 2 (1) of this Act, shall be guilty of an offence.

Offences by bodies corporate.

5. - Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other similar officer of such body, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Penalties.

6. - A person guilty of an offence under this Act (other than an offence under section 2 or 10) shall be liable—

(a) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both, or

(b) on conviction on indictment, to a fine not exceeding £10,000 or to imprisonment for a term not exceeding 5 years or to both.

(...)