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**AN BILLE UM CHEARTAS COIRIÚIL (CIONTUITHE  
SPÍONTA), 2012**  
**CRIMINAL JUSTICE (SPENT CONVICTIONS) BILL 2012**

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*Mar a tionscnaíodh*  
*As initiated*

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Certain convictions may be regarded as spent convictions in certain circumstances.
3. Relevant periods.
4. Further convictions and effect on relevant period.
5. General effect of spent conviction.
6. General effect of spent conviction — court proceedings.
7. Limitation of *section 5*.
8. Information sought by state other than the State.
9. Disclosure required for relevant work.
10. Disclosure required for certain licences, etc.
11. Disclosure by Garda Síochána of criminal records held.
12. Expenses.
13. Transitional provision.
14. Short title and commencement.

SCHEDULE 1

SEXUAL OFFENCES FOR PURPOSES OF ACT

PART 1

PART 2

SCHEDULE 2

PART 1

RELEVANT CUSTODIAL SENTENCES

PART 2

RELEVANT NON-CUSTODIAL SENTENCES

SCHEDULE 3

RELEVANT WORK FOR PURPOSES OF ACT

PART 1

RELEVANT WORK RELATING TO CHILDREN

PART 2

RELEVANT WORK RELATING TO VULNERABLE PERSONS

PART 3

OTHER RELEVANT WORK

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ACTS REFERRED TO

Adoption Act 2010	2010, No. 21
Central Bank Reform Act 2010	2010, No. 23
Child Care Act 1991	1991, No. 17
Child Care Acts 1991 to 2011	
Children Act 1908	8 Edw. 7, c. 67
Children Act 2001	2001, No. 24
Child Trafficking and Pornography Act 1998	1998, No. 22
Criminal Justice (Community Service) Act 1983	1983, No. 23
Criminal Justice Act 2006	2006, No. 26
Criminal Law Amendment Act 1885	48 & 49 Vict., c. 69
Criminal Law Amendment Act 1935	1935, No. 6
Criminal Law (Human Trafficking) Act 2008	2008, No. 8
Criminal Law (Rape) (Amendment) Act 1990	1990, No. 32
Criminal Law (Sexual Offences) Act 1993	1993, No. 20
Criminal Law (Sexual Offences) Act 2006	2006, No. 15
Data Protection Act 1988	1988, No. 25
Education Act 1998	1998, No. 51
Employment Agency Act 1971	1971, No. 27
Firearms Acts 1925 to 2009	
Health Act 2007	2007, No. 27
Mental Health Act 2001	2001, No. 25
Nursing Homes Support Scheme Act 2009	2009, No. 15
Private Security Services Act 2004	2004, No. 12
Probation of Offenders Act 1907	7 Edw. 7, c. 17
Public Service Management (Recruitment and Appointments) Act 2004	2004, No. 33
Punishment of Incest Act 1908	8 Edw. 7, c. 45
Road Traffic Act 1961	1961, No. 24
Road Traffic Act 1968	1968, No. 25
Road Traffic and Transport Act 2006	2006, No. 28
Sexual Offences (Jurisdiction) Act 1996	1996, No. 38
Taxi Regulation Act 2003	2003, No. 25





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SPÍONTA), 2012  
CRIMINAL JUSTICE (SPENT CONVICTIONS) BILL 2012

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# BILL

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*entitled*

AN ACT TO MAKE PROVISION FOR THE LIMITATION OF  
THE EFFECT OF CERTAIN CRIMINAL CONVICTIONS  
IN CERTAIN CIRCUMSTANCES AND AFTER CERTAIN  
PERIODS OF TIME; AND TO PROVIDE FOR RELATED  
10 MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

“child” means a person under the age of 18 years;

15 “conviction”, in relation to a person, means the conviction by a court  
of the person of an offence or, in the case of an appeal (whether  
against conviction or sentence, or both), the final determination by  
a court of the appeal or the withdrawal of the appeal;

20 “court” means any court in the State exercising criminal or civil juris-  
diction and includes a Special Criminal Court but does not include a  
court martial;

“effective date of conviction” means—

25 (a) the date on which a relevant custodial sentence or a  
relevant non-custodial sentence, as the case may be,  
becomes operative in accordance with the order of the  
court concerned, or

(b) in a case where section 11 of the Criminal Justice  
(Community Service) Act 1983 applies, the date on which  
the community service order concerned is revoked pursu-  
ant to that section;

30 “excluded sentence” means a sentence imposed by a court—

(a) of imprisonment for a term of more than 12 months  
(irrespective of whether that sentence is suspended in  
whole or in part),

(b) for an offence that is reserved by law to be tried by the Central Criminal Court, or

(c) for a sexual offence;

“Minister” means the Minister for Justice and Equality;

“relevant custodial sentence”, in relation to a person convicted of an offence, means a sentence of imprisonment for a term of 12 months or less imposed by a court on the person in respect of the offence (whether or not a fine is also imposed on the person in respect of the offence) and includes—

(a) a sentence in respect of the offence that is imposed concurrently with another sentence or sentences of imprisonment provided that the longer, or the longest, of the sentences is 12 months or less,

(b) a sentence that is imposed consecutively with another sentence or sentences of imprisonment provided that the total period of imprisonment is 12 months or less,

(c) a sentence of imprisonment for a term of 12 months or less, the execution of a part of which is suspended by the court,

(d) a sentence of imprisonment for a term of 12 months or less, the execution of a part of which is suspended for a period specified by the court but which suspension is subsequently revoked in whole or in part by the court, or

(e) a sentence of imprisonment for a term of 12 months or less, the execution of the whole of which is suspended for a period specified by the court but which suspension is subsequently revoked in whole or in part by the court;

“relevant non-custodial sentence”, in relation to a person convicted of an offence, means a sentence imposed by a court on the person in respect of an offence that is not a custodial sentence and is not in addition to a custodial sentence and includes—

(a) a sentence of imprisonment for a term of 12 months or less, the execution of the whole of which is suspended for a period specified by the court and that suspension is not subsequently revoked in whole or in part by the court,

(b) a fine,

(c) an order under section 1(2) of the Probation of Offenders Act 1907,

(d) a community service order made by a court under section 3 of the Criminal Justice (Community Service) Act 1983 that is not subsequently revoked by the court, or

(e) a restriction on movement order made under section 101 of the Criminal Justice Act 2006;

“relevant period”, in relation to a relevant sentence of a court imposed on a person, means the period that applies under *section 3* in respect of the sentence and includes any extension of that period under *section 4*;

“relevant sentence” means a relevant custodial sentence or a relevant non-custodial sentence or both, as may be appropriate;

“relevant work” means—

- 5           (a) any activity, service or employment specified in *Part 1, 2*  
              or *3 of Schedule 3*, or
- (b) any activity, service or employment specified in an order  
              made under *section 9(2)*;

“sexual offence” shall be construed in accordance with *Schedule 1*;

“spent conviction” shall be construed in accordance with *section 2*;

- 10 “state”, in relation to a state other than the State, includes a territory,  
whether in the state or outside it, for whose external relations the  
state or its government is wholly or partly responsible and references  
to a state shall be construed as including references to a subdivision  
15 of the government of the state or a national, regional or local entity  
of the state;

“vulnerable person” means a person, other than a child who—

- (a) is suffering from a disorder of the mind, whether as a  
              result of mental illness or dementia,
- (b) has an intellectual disability,
- 20           (c) is suffering from a physical impairment, whether as a result  
              of injury, illness or age, or
- (d) has a physical disability,

which is of such a nature or degree—

- 25           (i) as to restrict the capacity of the person to guard himself  
              or herself against exploitation or abuse, whether physical,  
              sexual or emotional, by another person, or
- (ii) results in the person requiring assistance with the activities  
              of daily living including dressing, eating, walking, washing  
              or bathing.

- 30       (2) For the purposes of this Act, the following circumstances are  
circumstances ancillary to a conviction:

- (a) the offence which is the subject of the conviction;
- (b) the conduct constituting that offence;
- (c) any process or proceedings preliminary to the conviction;
- 35           (d) any penalty imposed in respect of the offence which is the  
              subject of the conviction;
- (e) any proceedings (whether by way of appeal or otherwise)  
              for reviewing the conviction or penalty imposed for it;
- 40           (f) anything done in pursuance of, or undergone in com-  
              pliance with, any order made in connection with or as a  
              result of the conviction.

Certain convictions may be regarded as spent convictions in certain circumstances.

**2.—(1)** Where a person is convicted of an offence, whether before or after the commencement of this Act, and the conditions specified in *subsection (2)* are satisfied, then, subject to the provisions of this Act, the conviction may be regarded as a spent conviction—

- (a) at the end of the relevant period that applies under *section 3* to the sentence imposed in respect of the conviction concerned (including, where appropriate, any extension of that period under *section 4*), or 5
- (b) in a case where the relevant period (including, where appropriate, any extension of that period under *section 4*) ended before the commencement of this Act, on the commencement of this Act. 10

(2) The conditions referred to in *subsection (1)* are the following:

- (a) the person shall be a natural person and shall be 18 years of age or older at the date of the commission of the offence which is the subject of the conviction concerned; 15
- (b) the sentence imposed in respect of the conviction concerned shall not be an excluded sentence;
- (c) the person shall have served or otherwise undergone or complied with any sentence imposed, or order made by the court in dealing with the person, in respect of the conviction concerned; 20
- (d) the person shall not have been convicted in respect of any other offence during the relevant period that applies to the conviction concerned including, where appropriate, any extension to that period under *section 4*; 25
- (e) no more than 2 convictions may be regarded as spent in respect of a person.

(3) Where a person has more than 2 convictions that would, but for *subsection (2)(e)*, be regarded as spent convictions, the 2 convictions that may be regarded as spent shall be determined by reference to the effective date of conviction of those convictions commencing with the earliest conviction. 30

Relevant periods.

**3.—(1)** The relevant period that applies to each relevant custodial sentence mentioned in *column (2)* of *Part 1* of *Schedule 2* shall be the period specified in *column (3)* of that Part of that Schedule opposite such mention. 35

(2) The relevant period that applies to each relevant non-custodial sentence mentioned in *column (2)* of *Part 2* of *Schedule 2* shall be the period specified in *column (3)* of that Part of that Schedule opposite such mention. 40

(3) The relevant period shall be calculated from the effective date of conviction in respect of the relevant sentence to which that period applies.

Further convictions and effect on relevant period.

**4.—**Where a person is convicted of an offence in respect of which a relevant sentence is imposed on him or her and, during the relevant period that applies to that sentence, the person is convicted of another offence (in this section referred to as the “other offence”) 45



in respect of which a relevant sentence is imposed on him or her, the relevant period that applies to the first-mentioned offence shall be extended to the end of the relevant period that applies to the other offence if that is later.

5     **5.—**(1) Subject to the provisions of this Act, where a person has a conviction which is, in accordance with this Act, regarded as a spent conviction, he or she shall not be required by—

General effect of spent conviction.

(a) any rule of law, or

10     (b) by the provisions of any agreement or arrangement which purport to require the person to disclose the conviction or any circumstances ancillary to the conviction,

to disclose that conviction or the circumstances ancillary thereto.

15     (2) Where, otherwise than before a court, a question is put to a person purporting to seek information in relation to the person's previous convictions or the circumstances ancillary thereto and the person has a conviction which is, in accordance with this Act, regarded as a spent conviction, then, subject to the provisions of this Act—

20     (a) the question shall be regarded as not applying to the spent conviction and the person may respond accordingly, and

(b) the person shall not incur any liability or be otherwise prejudiced in law because he or she did not disclose the spent conviction or the circumstances ancillary to that conviction.

25     **6.—**(1) Subject to *subsections* (2) and (3), in any proceedings before a court—

General effect of spent conviction — court proceedings.

30     (a) no evidence shall be admissible to show that a person, who has a conviction which is, in accordance with this Act, regarded as a spent conviction, has committed or been charged with or prosecuted for or convicted of or sentenced in respect of an offence which is the subject of the spent conviction, and

35     (b) no question shall be asked in any such proceedings and if asked, the person shall not be required to answer, any question relating to his or her past which cannot be answered without disclosing the spent conviction or the circumstances ancillary to that conviction.

40     (2) A court, in any proceedings before it and at any stage during those proceedings, may, notwithstanding *subsection* (1), admit or require evidence relating to a person's spent conviction or the circumstances ancillary thereto if the court is satisfied in all the circumstances that justice cannot be done except by so admitting or requiring the evidence concerned but, where such evidence is admitted or required, the court may make such orders as the court considers

45     necessary to prevent or restrict publication of that evidence.

(3) Nothing in this Act shall affect the determination of any issue, or prevent the admission or requirement of any evidence, relating to a person's spent conviction or to the circumstances ancillary to the conviction—

- (a) in any criminal proceedings before a court, including any appeal or other application relating to those proceedings in which the person is a party to the proceedings,
- (b) in any proceedings concerning the adoption, guardianship or custody of, or access to, a child, including proceedings under the Child Care Acts 1991 to 2011, 5
- (c) in any proceedings relating to the provision by any person of accommodation, care, training or education for a child,
- (d) in any proceedings relating to the provision by any person of accommodation, care, training or education for a vulnerable person, 10
- (e) in any proceedings under section 21 of the Nursing Homes Support Scheme Act 2009, or
- (f) in any proceedings in which the person is a party or a witness, if he or she, on the occasion when the issue or the admission or requirement of the evidence falls to be determined, consents to the determination of the issue or, as may be appropriate, the admission or requirement of the evidence relating to his or her spent conviction or to the circumstances ancillary to the conviction, as the case may be. 15 20

Limitation of section 5.

7.—(1) *Section 5* shall not apply where—

- (a) a person is convicted of fraud, deceit or dishonesty in respect of a claim under a policy of insurance or a policy of assurance and is seeking, or is a party to, any policy of insurance or policy of assurance, as the case may be, or 25
  - (b) a requirement is made of a person to disclose any previous convictions including any conviction which is, in accordance with this Act, regarded as a spent conviction—
    - (i) in any interview of the person conducted by a member of the Garda Síochána following the arrest of that person in connection with the investigation of an offence, 30
    - (ii) in respect of any application pursuant to, or any investigation under, Part 3 of the Central Bank Reform Act 2010, 35
    - (iii) in respect of any assessment under the Child Care Act 1991 of the person's suitability to act as—
      - (I) a foster parent, or
      - (II) a carer of a child in respect of whom he or she is a relative, 40
- or
- (iv) in any application by the person for a declaration of eligibility and suitability within the meaning of section 3 of the Adoption Act 2010. 45

(2) Nothing in this Act shall affect—

- 5 (a) the enforcement by any process or proceedings in respect of any fine or other sum deemed payable by, or imposed on, a person in respect of a conviction, which is, if the requirements of this Act apply and are fulfilled, regarded as a spent conviction,
- 10 (b) the issue of any process for the purpose of proceedings in respect of any breach of a condition or requirement that applies to a sentence imposed in respect of a conviction which is, if the requirements of this Act apply and are fulfilled, regarded as a spent conviction, or
- 15 (c) the operation of an enactment under which, in consequence of any conviction, a person is subject, otherwise than by way of sentence, to any disqualification, disability, prohibition or other penalty or any registration requirement, whether or not the period of which extends beyond the relevant period applying to the sentence for such conviction.

(3) This Act is without prejudice to a person's right to disclose his or her previous convictions or the circumstances ancillary thereto.

20 **8.**—A person who has a conviction which is, in accordance with this Act, regarded as a spent conviction, shall not be entitled to regard any question put to him or her seeking information in relation to his or her previous convictions as not applying to the spent conviction where—

Information sought by state other than the State.

- 25 (a) he or she is in a state, other than the State, and the information is sought pursuant to the exercise of the jurisdiction of the law of that state, or
- 30 (b) he or she is within the State but the information sought relates to a matter being dealt with pursuant to the law of a state other than the State.

**9.**—(1) *Section 5* shall not apply where a person—

Disclosure required for relevant work.

- (a) applies for, seeks or is offered, relevant work,
- (b) enters or proposes to enter into a contract of employment to do relevant work,
- 35 (c) applies to another person to do relevant work on that other person's behalf (whether or not in return for payment or any other consideration), or
- (d) enters or proposes to enter into a contract for services to do relevant work.

40 (2) Subject to *subsection (3)*, the Minister may, upon application being made to him or her in that behalf by the Public Appointments Service, by order specify as relevant work a class or classes of activity, service or employment in the Civil Service or other public service body if he or she is satisfied that it is proper to do so having

45 regard to the nature of the activity, service or employment.

(3) Before making an order under *subsection (2)*, the Minister shall consult with the Minister for Public Expenditure and Reform and any other Minister of the Government who, in the opinion of

the Minister, having regard to the functions of that other Minister of the Government, ought to be consulted.

(4) In this section—

“Civil Service” and “public service body” have the meanings they have in section 2 of the Public Service Management (Recruitment and Appointments) Act 2004; 5

“contract of employment” means—

(a) a contract of service or apprenticeship, or

(b) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971, and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract). 10  
15

(5) In this section a reference to a person who applies for, seeks or is offered relevant work includes a reference to a person who applies for, seeks or is offered a new or different position with his or her current employer.

(6) For the purposes of *subsection (5)*, the Civil Service and other public service bodies shall be deemed to be a single employer. 20

Disclosure required for certain licences, etc.

**10.**—(1) Without prejudice to any other enactment which provides for the disclosure of a person’s criminal convictions as part of an application by or on behalf of the person for a licence, permit or any other form of authorisation, approval or registration, *section 5* shall not apply where a person applies in his or her own right or as a party to an application— 25

(a) for a licence under section 82 of the Road Traffic Act 1961,

(b) for a licence under section 18 of the Road Traffic Act 1968, 30

(c) for a licence under section 2 of the Road Traffic and Transport Act 2006,

(d) for a licence under section 34 of the Taxi Regulation Act 2003, 35

(e) for a licence under Part 3 of the Private Security Services Act 2004,

(f) for a certificate, licence or permit under the Firearms Acts 1925 to 2009,

(g) for a licence or other form of authorisation or approval that is issued by the Central Bank of Ireland, 40

(h) for the registration and carrying on of an approved centre under Part 5 of the Mental Health Act 2001, or

(i) for the registration and carrying on of a designated centre under Part 8 of the Health Act 2007. 45

5 (2) In this section a reference to an application for a licence, permit or any other form of authorisation, approval or registration includes a reference to an application for a renewal, extension or variation of such a licence, permit or other form of authorisation, approval or registration.

10 **11.**—Without prejudice to any other enactment which provides for the making of applications for the disclosure of personal data (within the meaning of the Data Protection Act 1988), where a person makes a request to the Garda Síochána for a copy of his or her criminal record, the Garda Síochána shall provide information regarding the person’s spent convictions (if any) and, in so far as it is appropriate, circumstances ancillary to those convictions separately from information concerning that person’s other convictions (if any). Disclosure by Garda Síochána of criminal records held.

15 **12.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas. Expenses.

**13.**—This Act applies to a response given on or after the commencement of this Act to— Transitional provision.

- 20 (a) a request made (either orally or in writing), or  
(b) a requirement notified (either orally or in writing),

25 before the commencement of this Act seeking, or requiring, as the case may be, information in relation to a person’s previous convictions if, on the commencement of this Act, the information sought or required, as the case may be, relates to a conviction which is, in accordance with this Act, regarded as a spent conviction.

**14.**—(1) This Act may be cited as the Criminal Justice (Spent Convictions) Act 2012. Short title and commencement.

30 (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

## SCHEDULE 1

## SEXUAL OFFENCES FOR PURPOSES OF ACT

## PART 1

1. Each of the offences referred to in *Part 2* of this Schedule shall, subject to *paragraphs 2, 3 and 4* of this Part be a sexual offence for the purposes of this Act. 5

2. An offence referred to in—

(a) *paragraph 2* of *Part 2* (sexual assault or indecent assault), other than an offence of sexual assault or indecent assault of a person who, at the time of the commission of the offence, was mentally impaired within the meaning of section 5 of the Criminal Law (Sexual Offences) Act 1993, 10

(b) *paragraph 5* of *Part 2* (incest by males),

(c) *paragraph 6* of *Part 2* (incest by females of or over 17 years of age), or 15

(d) *paragraph 23, 24 or 25* of *Part 2* in so far as it relates to an offence referred to in *subparagraph (a), (b) or (c)*,

shall not be a sexual offence for the purposes of this Act if—

(i) the victim of or, as the case may be, the other party to the offence was aged, at the date of the commission of the offence, 17 years or older, and 20

(ii) the person guilty of the offence has not, in respect of the offence, been sentenced to any punishment involving deprivation of liberty for a limited or unlimited period of time or been made subject to any measure involving such deprivation of liberty. 25

3. An offence referred to in—

(a) *paragraph 10* of *Part 2* (defilement of girl between 15 and 17 years of age), 30

(b) *paragraph 12* of *Part 2* (buggery of persons under 17 years of age),

(c) *paragraph 13* of *Part 2* (gross indecency with males under 17 years of age), or

(d) *paragraph 23, 24 or 25* of *Part 2* in so far as it relates to an offence referred to in *subparagraph (a), (b) or (c)*, 35

shall not be a sexual offence for the purposes of this Act if—

(i) the victim of or, as the case may be, the other party to the offence was aged, at the date of the commission of the offence, 15 years or older but less than 17 years, and 40

(ii) the person guilty of the offence was aged, at that date, not more than 3 years older than that victim or other party.

4. An offence referred to in—

5 (a) *paragraph 8 of Part 2* (defilement of child under the age of 17 years), or

(b) *paragraph 23, 24 or 25 of Part 2* in so far as it relates to an offence referred to in *subparagraph (a)*,

10 shall not be a sexual offence for the purposes of this Act if the person who is convicted of the offence was at the date of the commission of the offence, more than 24 months older than the child with whom he or she engaged or attempted to engage in a sexual act within the meaning of section 1 of the Criminal Law (Sexual Offences) Act 2006.

## PART 2

15 1. Rape.

2. Sexual assault (whether the offence of which the person was convicted was known by that name or by the name “indecent assault upon a female person” or “indecent assault upon a male person”).

20 3. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.

4. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.

5. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).

25 6. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).

7. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).

30 8. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under the age of 17 years).

9. An offence under section 1 of the Criminal Law Amendment Act 1935 (defilement of girl under 15 years of age).

10. An offence under section 2 of the Criminal Law Amendment Act 1935 (defilement of girl between 15 and 17 years of age).

35 11. An offence under section 6 of the Criminal Law (Sexual Offences) Act 1993 (soliciting or importuning for purposes of commission of sexual offence).

12. An offence under section 3 of the Criminal Law (Sexual Offences) Act 1993 (buggery of persons under 17 years of age).

40 13. An offence under section 4 of the Criminal Law (Sexual Offences) Act 1993 (gross indecency with males under 17 years of age).

14. An offence under section 11 of the Criminal Law Amendment Act 1885 (acts of gross indecency).
15. An offence under section 5 of the Criminal Law (Sexual Offences) Act 1993 (protection of mentally impaired persons).
16. An offence under section 4 of the Criminal Law Amendment Act 1935 (defilement of mentally impaired females). 5
17. An offence under any of the following provisions of the Child Trafficking and Pornography Act 1998:
- (a) section 3 (child trafficking and taking, etc., child for sexual exploitation); 10
  - (b) section 4 (allowing child to be used for child pornography);
  - (c) section 5 (producing, distributing, etc., child pornography);
  - (d) section 6 (possession of child pornography).
18. An offence under the Criminal Law (Human Trafficking) Act 2008 in so far as the offence is committed for the purposes of the sexual exploitation, within the meaning of that Act, of a person. 15
19. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon child).
20. An offence under section 17 of the Children Act 1908 (causing or encouraging sexual offence upon child). 20
21. An offence under section 3 of the Criminal Law Amendment Act 1885 (procuring defilement of woman by threats or fraud or administering drugs).
22. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 (sexual offences committed outside the State) in so far as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule to the extent that it is so specified. 25
23. An offence consisting of attempting to commit an offence referred to in any of the paragraphs of this Part of this Schedule (other than such an offence that itself consists of an attempt to do a particular act). 30
24. An offence consisting of aiding, abetting, counselling, procuring or inciting the commission of an offence referred to in any of the paragraphs of this Part of this Schedule (other than an offence referred to in *paragraph 23* in so far as the offence itself consists of procuring a particular act). 35
25. An offence consisting of conspiracy to commit an offence referred in any paragraph of this Part of this Schedule.



SCHEDULE 2

Section 3.

PART 1

RELEVANT CUSTODIAL SENTENCES

Reference number (1)	Sentence imposed (2)	Duration of relevant period (3)
5	1. Term of imprisonment of 6 months or less.	5 years
10	2. Term of imprisonment of 9 months or less but more than 6 months.	6 years
10	3. Term of imprisonment of 12 months or less but more than 9 months.	7 years
15	4. Term of imprisonment of 6 months or less which is suspended in whole but which suspension is subsequently revoked resulting in any period of imprisonment.	5 years
20	5. Term of imprisonment of 9 months or less but more than 6 months which is suspended in whole but which suspension is subsequently revoked resulting in any period of imprisonment.	6 years
25	6. Term of imprisonment of 12 months or less but more than 9 months which is suspended in whole but which suspension is subsequently revoked resulting in any period of imprisonment.	7 years
30	7. Term of imprisonment of 12 months or less the execution of which is suspended in part.	relevant period that applies to that part of the sentence that is not suspended
35	8. Term of imprisonment imposed in one or more consecutive sentences not exceeding 6 months in total.	5 years
35	9. Term of imprisonment imposed in one or more consecutive sentences not exceeding 9 months but more than 6 months in total.	6 years
40	10. Term of imprisonment imposed in one or more consecutive sentences not exceeding 12 months but more than 9 months in total.	7 years
45	11. Term of imprisonment imposed in one or more concurrent sentences, the longer or longest of which does not exceed 6 months.	5 years
50	12. Term of imprisonment imposed in one or more concurrent sentences, the longer or longest of which does not exceed 9 months but is more than 6 months.	6 years
50	13. Term of imprisonment imposed in one or more concurrent sentences, the longer or longest of which does not exceed 12 months but is more than 9 months.	7 years
55	14. Term of imprisonment of 6 months or less where community service order is revoked.	5 years

Reference number (1)	Sentence imposed (2)	Duration of relevant period (3)	
15.	Term of imprisonment of 9 months or less but more than 6 months where community service order is revoked.	6 years	5
16.	Term of imprisonment of 12 months or less but more than 9 months where community service order is revoked.	7 years	
17.	Fine and any of the sentences mentioned at <i>paragraphs 1 to 16</i> .	relevant period that applies to the custodial part of the sentence concerned	10

## PART 2

### RELEVANT NON-CUSTODIAL SENTENCES

Reference number (1)	Sentence imposed (2)	Duration of relevant period (3)	
1.	Term of imprisonment the execution of which is suspended for a specified period and which suspension is not subsequently revoked in whole or in part.	3 years or the period of suspension specified by the court, whichever is the longer	15 20 25
2.	Class A fine, Class B fine, or Class C fine.	4 years	
3.	Class D fine or Class E fine.	3 years	
4.	Fine exceeding the maximum amount that can be imposed as a Class A fine.	5 years	30
5.	Community service order imposed on a person as an alternative to a sentence of imprisonment for a term of 12 months or less considered by the court at the time of the making of the order and which order is not subsequently revoked by the court.	3 years	35
6.	Community service order imposed on a person as an alternative to a sentence of imprisonment for a term of more than 12 months considered by the court at the time of the making of the order and which order is not subsequently revoked by the court.	4 years	40
7.	Any other relevant non-custodial sentence (other than an order to which section 3(3) of the Criminal Justice (Community Service) Act 1983 applies).	3 years	45

## RELEVANT WORK FOR PURPOSES OF ACT

## PART 1

## RELEVANT WORK RELATING TO CHILDREN

5 1. Any activity, service or employment which is undertaken by a person, a necessary and regular part of which consists mainly of the person having access to or contact with children in—

(a) a school within the meaning of the Education Act 1998,

10 (b) an establishment which provides pre-school services within the meaning of Part VII of the Child Care Act 1991,

(c) a hospital or health care centre which receives, treats or otherwise provides services to children,

(d) a children detention school within the meaning of section 3 of the Children Act 2001,

15 (e) a designated centre within the meaning of section 2 of the Health Act 2007 in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991, or

20 (f) a special care unit within the meaning of section 23K of the Child Care Act 1991.

2. Any activity, service or employment which consists of teaching, training or instruction of children provided by a person in the course of that activity, service or employment.

25 3. Any activity, service or employment which consists of care for, or supervision of, children provided by a person in the course of that activity, service or employment.

30 4. Any activity, service or employment which consists of advice or guidance provided wholly or mainly for children if the advice or guidance relates to their physical, emotional or educational well-being and is provided by a person in the course of that activity, service or employment.

5. Any activity, service or employment which consists of treatment, therapy or counselling provided to a child by a person in the course of that activity, service or employment.

35 6. Employment with the Department of Children and Youth Affairs, in so far as the employment relates wholly or mainly to the provision of services to children.

7. Employment with—

(a) the Health Service Executive, or

40 (b) the Health Information and Quality Authority,

in so far as the employment relates wholly or mainly to the provision of, or the setting and monitoring of standards of, services provided to children.

## PART 2

### RELEVANT WORK RELATING TO VULNERABLE PERSONS 5

1. Any activity, service or employment which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to or contact with vulnerable persons in—
    - (a) a hospital or care centre which receives, treats or otherwise provides services to vulnerable persons, 10
    - (b) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided to vulnerable persons,
    - (c) an approved centre under Part 5 of the Mental Health Act 2001. 15
  2. Any activity, service or employment which consists of teaching, training or instruction of vulnerable persons provided by a person in the course of that activity, service or employment.
  3. Any activity, service or employment which consists of care for vulnerable persons provided by a person in the course of that activity, service or employment. 20
  4. Any activity, service or employment which consists of advice or guidance provided to vulnerable persons if the advice or guidance relates to their physical, emotional or educational well-being and is provided by a person in the course of that activity, service or employment. 25
  5. Any activity, service or employment (whether or not for gain) which consists of treatment, therapy or counselling provided to a vulnerable person by a person in the course of that activity, service or employment. 30
  6. Employment with—
    - (a) the Health Service Executive, or
    - (b) the Health Information and Quality Authority,
- in so far as the work relates wholly or mainly to the provision of, or the setting or monitoring of standards of, services provided to vulnerable persons. 35

## PART 3

### OTHER RELEVANT WORK

1. Employment with— 40
  - (a) the Defence Forces,

- (b) the Department of Justice and Equality,
  - (c) the Garda Síochána,
  - (d) the Garda Síochána Ombudsman Commission,
  - (e) the Garda Inspectorate,
  - 5 (f) the Office of the Chief State Solicitor,
  - (g) the Office of the Attorney General,
  - (h) the Office of the Director of Public Prosecutions,
  - (i) the Criminal Assets Bureau,
  - (j) the Courts Service,
  - 10 (k) the Department of the Taoiseach,
  - (l) the Department of Foreign Affairs and Trade,
  - (m) the Office of the President,
  - (n) the Central Bank of Ireland,
  - (o) the National Treasury Management Agency.
- 15 2. Any activity, service or employment which involves the performance of a controlled function under Part 3 of the Central Bank Reform Act 2010.