
CRIMINAL LAW (ADULT SAFEGUARDING) BILL 2024

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ACTS REFERRED TO

Assisted Decision-Making (Capacity) Act 2015 (No. 64)

Broadcasting Act 2009 (No. 18)

Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24)

Civil Service Regulation Act 1956 (No. 46)

Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 (No. 24)

Criminal Law (Sexual Offences) Act 2017 (No. 2)

Education and Training Boards Act 2013 (No. 11)

Harbours Act 1996 (No. 11)

Health Act 2007 (No. 23)

Local Government Act 2001 (No. 37)

Mental Health Act 2001 (No. 25)

Non-Fatal Offences Against the Person Act 1997 (No. 26)

Parole Act 2019 (No. 28)

Petty Sessions (Ireland) Act 1851 (14 & 15 Vict., c.93)

Sex Offenders Act 2001 (No. 18)

CRIMINAL LAW (ADULT SAFEGUARDING) BILL 2024

Bill

entitled

An Act to provide for offences committed against adults whose ability to guard themselves against violence, exploitation or abuse, whether physical, sexual or emotional, or against neglect by another person is significantly impaired; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act—

“Act of 2010” means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010);

“adult” means a person who is not a child;

“care” means personal care, including help with medical, physical, intellectual or social needs;

“child” means a person who has not attained the age of 18 years;

“civil partner” shall be construed in accordance with *section 4(4)*;

“harm” means—

- (a) harm to body or mind and includes pain and unconsciousness,
- (b) any injury or impairment of physical, mental, intellectual, emotional health or welfare, or
- (c) any form of property or financial loss;

“health care” includes—

- (a) all forms of health care provided for individuals, including—
 - (i) health care relating to physical health or mental health, and
 - (ii) health care provided for, or in connection with, the protection or improvement of public health, and
- (b) procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition;

“Minister” means the Minister for Justice;

“neglect”, in a manner likely to cause suffering or injury to health, or to seriously affect wellbeing, means—

- (a) a failure to adequately protect a relevant person under a person’s care from preventable and foreseeable harm,
- (b) a failure to provide adequate food, clothing, heating or medical aid for a relevant person under a person’s care, or
- (c) in the case of a person being unable to provide such—
 - (i) protection from harm, or
 - (ii) food, clothing, heating or medical aid,to a relevant person under his or her care, a failure to take steps to have each provided under the enactments relating to health, social welfare or housing;

“relevant person” means a person, other than a child, whose ability to guard himself or herself against violence, exploitation or abuse, whether physical, sexual or emotional, or against neglect by another person is significantly impaired through one, or more, of the following:

- (a) a physical disability, a physical frailty, an illness or an injury;
- (b) a disorder of the mind, whether as a result of mental illness or dementia;

(c) an intellectual disability;

(d) autism spectrum disorder;

“serious harm” means injury which—

(a) creates a substantial risk of death,

(b) is of a psychological nature which has a significant impact, or

(c) causes permanent disfigurement, or loss or impairment of the mobility of the body as a whole, or of the function of any particular member or organ;

“social care” means all forms of personal care and other practical assistance provided for individuals who are in need of such care or assistance by reason of age, illness, disability, dependence on alcohol or drugs or any other similar circumstances;

“website” means an internet website (including part of such a website)—

(a) to which access is readily available by members of the public, and

(b) where anything published is readily available for inspection by members of the public.

Intentional or reckless abuse, neglect or ill-treatment

2. (1) Any person—

- (a) who provides care for, or
- (b) who resides in the same household as,

a relevant person, that intentionally or recklessly—

- (i) assaults, ill-treats or neglects that relevant person, or
- (ii) causes, procures or allows that relevant person to be assaulted, ill-treated or neglected,

in a manner likely to cause suffering or injury to the relevant person's health or seriously affect his or her wellbeing shall be guilty of an offence.

(2) A person may be found guilty of an offence under this section notwithstanding—

- (a) the death of the relevant person in respect of whom the offence is committed, or
- (b) that actual suffering or injury to the health of the relevant person, or the risk of such suffering or injury, was avoided by the action of another person.

(3) On the trial of any person for the murder or manslaughter of a relevant person, the court or the jury, as the case may be, may, if satisfied that the accused is guilty of an offence under this section in respect of the relevant person, find the accused guilty of that offence.

(4) In *subsection (1)*, the reference to a relevant person's health or wellbeing includes a reference to the person's physical, mental or emotional health or wellbeing.

(5) In this section—

“provides care” includes where a person exercises control over any aspect of the care of a relevant person who requires care, regardless of whether the care is short, or long, term;

“ill-treatment”, of a relevant person, includes any frightening, bullying or threatening of that person.

Exposure of relevant person to risk of serious harm or sexual abuse

3. (1) A person who is a person in authority in relation to a relevant person or abuser, or otherwise has control of the care of a relevant person or abuser, or has control of the provision of care by the abuser, who intentionally or recklessly endangers a relevant person by—

- (a) causing or permitting any relevant person to be placed or left in a situation which creates a substantial risk to the relevant person of being a victim of serious harm or sexual abuse, or

- (b) failing to take reasonable steps to protect a relevant person from such a risk while knowing that the relevant person is in such a situation,

shall be guilty of an offence.

(2) In this section—

“abuser” means an individual believed by a person who—

- (a) is a person in authority in relation to that individual,
- (b) otherwise has control of the care of that individual, or
- (c) has control of the provision of care by the individual,

to have seriously harmed or sexually abused a relevant person;

“person in authority” means—

- (a) in relation to a relevant person against whom an offence is alleged to have been committed, any person who as part of a contract of service or a contract for services is, for the time being, responsible for the education, supervision, training, treatment, care or welfare of the relevant person, or

- (b) in relation to an abuser, the person under whose direction and control care is being provided to the relevant person by the abuser;

“sexual abuse” means an offence—

- (a) referred to in paragraph 1 to 7, 9 to 15, or 16(a) or (b), of the Schedule to the Sex Offenders Act 2001, or
- (b) under section 21 or 22 of the Criminal Law (Sexual Offences) Act 2017.

Coercive control of relevant person

4. (1) A person who, in respect of a relevant person with whom he or she is personally connected, knowingly and persistently engages in behaviour that—

- (a) is controlling or coercive,
- (b) has a serious effect on that relevant person, and
- (c) a reasonable person would consider likely to have a serious effect on that relevant person,

shall be guilty of an offence.

(2) For the purposes of *subsection (1)*, a person's behaviour has a serious effect on a relevant person if the behaviour causes the relevant person—

- (a) to fear that violence will be used against him or her, or
- (b) serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities.

(3) For the purposes of *subsection (1)*, a person and a relevant person are personally connected if one, or more, of the following applies:

- (a) they are, or have been, married to each other;
- (b) subject to *subsection (4)*, they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) subject to *subsection (5)*, they are, or have been, in an intimate relationship with each other;
- (e) subject to *subsection (6)*, they each have, or there has been a time when they each have had, a parental relationship in relation to the same child;

- (f) subject to *subsection (7)*, they are immediate family members;
- (g) they reside in the same household on a contractual, or non-contractual, basis;
- (h) the person provides care to the relevant person on a paid, or unpaid, basis.

(4) For the purposes of *subsection (3)(b)*, civil partner has the meaning given to it by section 3 of the Act of 2010, and shall—

- (a) include a person who was a civil partner in a civil partnership that has been dissolved under the Act of 2010, and
- (b) not include a person who was in a civil partnership that has been dissolved by reason only of the application of section 109A of the Act of 2010.

(5) For the purposes of *subsection (3)(d)*, a relationship does not cease to be an intimate relationship merely because it is no longer sexual in nature.

(6) For the purposes of *subsection (3)(e)*, a person has a parental relationship in relation to the same child if—

- (a) the person is a parent of the child, or
- (b) the person has parental responsibility for the child.

(7) For the purposes of *subsection (3)(f)*, immediate family member, in relation to a person, means one of the following:

- (a) a spouse, civil partner or cohabitant of the person;
- (b) a child, step-child, son-in-law or daughter-in-law of the person;
- (c) a parent, step-parent, mother-in-law or father-in-law of the person;
- (d) a brother, sister, step-brother, step-sister, brother-in-law, sister-in-law, half-brother or half-sister of the person;
- (e) a grandparent or grandchild of the person;
- (f) an aunt, uncle, nephew or niece of the person.

Coercive exploitation of relevant person

5. (1) A person who, without reasonable excuse, engages in controlling or coercive behaviour in relation to a relevant person for the purpose of obtaining or exercising control over any of the property (whether real or personal) or financial resources of that relevant person in order to gain a benefit or advantage, whether for himself or herself, or for any third party connected with him or her, shall be guilty of an offence.

(2) For the purposes of *subsection (1)*, controlling or coercive behaviour includes, but is not limited to, one, or more, of the following:

- (a) controlling a relevant person's necessities of life, medication, interactions with others, access to information or sleep;
- (b) use of violence, intimidation or threats, whether directed against a relevant person or any family member of a relevant person;
- (c) subject to *subsection (3)*, exercising undue influence over a relevant person;
- (d) making, or threatening to make, changes to the personal or property rights of a relevant person.

(3) A person exercises undue influence if he or she exploits a position of power in relation to a relevant person so as to cause that relevant person to act, or to refrain from acting, in a manner detrimental to the best interests of the relevant person and which confers, or is intended to confer, a benefit or advantage on the first-mentioned person or any third party connected with the first-mentioned person.

(4) For the purposes of *subsections (1), (3) and (5)*, benefit or advantage includes, but is not limited to, any form of financial benefit or advantage, including one, or more, of the following:

- (a) the taking, withholding, appropriation, or use of money or assets owned by a relevant person;

- (b) the taking, withholding, appropriation, or use of property owned or occupied by a relevant person, including occupying or making use of any property owned or occupied by a relevant person, or any part of such property, or otherwise interfering with the relevant person's enjoyment of such property;
 - (c) the taking, withholding, appropriation or use of any benefits payable to a relevant person.
- (5) For the purposes of the commission of an offence under *subsection (1)*—
- (a) it is irrelevant whether the first-mentioned person in that subsection, or any third party connected with that first-mentioned person, actually gained a benefit or advantage, and
 - (b) the acquiring of consent of, or acquiescence by, a relevant person to controlling or coercive behaviour, or to the gain of a benefit or advantage, shall not be a defence.

Penalties

- 6.** (1) A person guilty of an offence under *section 2(1)* or *3(1)* shall be liable—
- (a) on summary conviction, to a class A fine, or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine not exceeding €1,000,000, or imprisonment for a term not exceeding 10 years, or both.

(2) A person guilty of an offence under *section 4(1)* shall be liable—

- (a) on summary conviction, to a class A fine, or imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €100,000, or imprisonment for a term not exceeding 5 years, or both.

(3) A person guilty of an offence under *section 5(1)* shall be liable—

- (a) on summary conviction, to a class A fine, or imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €1,000,000, or imprisonment for a term not exceeding 5 years, or both.

(4) A person guilty of an offence under *section 7(6)* shall be liable—

- (a) on summary conviction, to a class C fine, or imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine, or imprisonment for a term not exceeding 5 years, or both.

(5) A person guilty of an offence under *section 8(6)* or *9(1)* or *(4)* shall be liable—

- (a) on summary conviction, to a class A fine, or to imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €50,000, or to imprisonment for a term not exceeding 3 years, or both.

Prohibition on working with relevant persons

7. (1) Subject to *subsection (2)*, a court may, where it is satisfied that it is necessary to do so to protect relevant persons from serious harm from the applicable offender, impose on the offender concerned, in respect of the commission of a relevant offence, a sentence, including a prohibition, which consists of—

- (a) the imposition of a sentence of imprisonment (whether in addition to the imposition of a fine or not), and
- (b) a stipulation that during a specified period (in this section, referred to as the prohibition period) commencing on the prohibition commencement date, the applicable offender shall be subject to the prohibition.

(2) The aggregate of the sentence of imprisonment, referred to in *subsection (1)(a)*, and the prohibition period referred to in *subsection (1)(b)*, shall not exceed the duration of the maximum term of imprisonment that may be imposed in respect of the offence concerned.

(3) The term of the sentence of imprisonment referred to in *subsection (1)(a)* shall not be less than the term the court would have imposed if it had considered the matter apart from the provisions of this section.

(4) The court may, when imposing a sentence, including a prohibition, specify a particular type or category of relevant work or activity to which the prohibition applies.

(5) The court may, not more than one month before the proposed prohibition commencement date or at any time during the prohibition period, on the application of—

- (a) the applicable offender on whom the sentence, including a prohibition, was imposed, or
- (b) a probation officer,

discharge or vary the prohibition, if, having regard to the circumstances which have arisen since the sentence, including a prohibition, was imposed—

- (i) it would be in the interests of justice to do so, and
- (ii) the protection of relevant persons from serious harm from the applicable offender no longer requires that the prohibition should continue in force or, as appropriate, that it should continue in force in the form in which it stands at the date of the making of the application under this subsection.

(6) A person on whom a sentence, including a prohibition, is imposed who, during the prohibition period—

- (a) applies to another person to be employed by that person to do the particular type or category of prohibited work or activity,
- (b) enters into a contract of employment to do the particular type or category of prohibited work or activity,
- (c) applies to another person to do the particular type or category of prohibited work or activity on the other person's behalf (whether in return for payment, or for any other consideration, or not),
- (d) enters into a contract of service or a contract for services to do the particular type or category of prohibited work or activity, or
- (e) does the particular type or category of prohibited work or activity,

shall be guilty of an offence.

(7) The conviction of a person for an offence under *subsection (6)* shall not prevent the prohibition period continuing to have effect.

(8) In proceedings for an offence under *subsection (6)*, it shall be a defence for the accused to prove that he or she neither knew nor could reasonably be expected to have known that the work—

- (a) to which the application or contract referred to in *paragraph (a), (b), (c) or (d)* of that subsection related was prohibited work or activity, or

- (b) that the particular type or category of work or activity referred to in *paragraph (e)* of that subsection was prohibited work or activity.

(9) If a sentence of imprisonment is imposed on an applicable offender for an offence under *subsection (6)*, that sentence shall, for the period the offender concerned spends in prison on foot of that sentence, operate to suspend the prohibition and the period for which that prohibition is so suspended shall not be reckoned in calculating the date on which the prohibition period expires.

(10) For the purposes of *subsections (6) and (8)*, prohibited work or activity, in relation to a person, means a particular type or category of relevant work or activity that is the subject of a sentence, including a prohibition, imposed on the applicable offender.

(11) In imposing a sentence, including a prohibition, on an applicable offender, the court shall explain to him or her—

- (a) the effect of the sentence,
- (b) the consequences provided for under this section if he or she fails to comply with the prohibition, and
- (c) that under this section, the court may vary or discharge the prohibition on the application of either the applicable offender or a probation officer.

(12) In this section—

“applicable offender” means a person who is convicted of a relevant offence for which, in the opinion of the court before which the person appears, the appropriate sentence is, apart from the provisions of this section, one of imprisonment for any term (whether in addition to the imposition of a fine or not);

“prohibition” means a prohibition on an applicable offender engaging in relevant work;

“prohibition commencement date”, in relation to an applicable offender, means—

- (a) where the sentence of imprisonment referred to in *subsection (1)(a)* is suspended in its entirety, the date on which the sentence is imposed on the offender concerned,
- (b) where that sentence of imprisonment is suspended in part, the date on which the offender concerned is released from prison, or
- (c) in any other case, the date on which—
 - (i) the sentence expires,
 - (ii) remission from the sentence imposed on the offender concerned begins, or
 - (iii) the offender concerned is released on parole in accordance with the Parole Act 2019;

“prohibition period” shall be construed in accordance with *subsection (1)(b)*;

“relevant offence” means one, or more, of the following:

- (a) an offence under *section 2, 3, 4 or 5*;

- (b) an offence committed against a relevant person under one, or more, of the following sections of the Assisted Decision-Making (Capacity) Act 2015:
 - (i) section 15A(1);

 - (ii) section 34(1) or (2);

 - (iii) section 58B(1);

 - (iv) section 80(1) or (2);

 - (v) section 90(1) or (2);

 - (vi) section 145;

- (c) an offence committed against a relevant person under one, or more, of the following sections of the Non-Fatal Offences Against the Person Act 1997:
 - (i) section 2(1);

 - (ii) section 3(1);

 - (iii) section 3A(1);

- (iv) section 4(1);
 - (v) section 4A(1);
 - (vi) section 5(1);
 - (vii) section 6(1), (2) or (5);
 - (viii) section 7(1) or (4);
 - (ix) section 8(1) or (2);
 - (x) section 9(1);
 - (xi) section 10(1) or (2);
 - (xii) section 10A(1) or (6);
 - (xiii) section 11(1);
 - (xiv) section 12(1);
 - (xv) section 13(1);
 - (xvi) section 15(1);
- (d) an offence consisting of attempting or conspiring to commit, or aiding or abetting, counselling or procuring or inciting the commission of, an offence mentioned in *paragraphs (a) to (c)*.

“relevant work or activity” means work or a service (including State work or a service), a necessary and regular part of which consists, mainly, of a person who has been convicted of a

relevant offence, before or after the commencement of this section, having unsupervised access to, or contact with, relevant persons;

“sentence, including a prohibition,” shall be construed in accordance with *subsection (1)*;

“State work or a service” means work done or a service performed by a person who—

- (a) holds office under, or is otherwise in the service of the State (including as a civil servant, within the meaning of the Civil Service Regulation Act 1956),
- (b) is a member of the Garda Síochána or the Defence Forces,
- (c) is an officer or servant of a local authority for the purposes of the Local Government Act 2001,
- (d) is an officer or servant of a harbour authority, within the meaning of section 83 of the Harbours Act 1996,
- (e) is an officer or servant of the Health Service Executive, or
- (f) is a member of staff of an education and training board established under section 9 of the Education and Training Boards Act 2013.

(13) In this section—

- (a) references to protecting a relevant person from serious harm includes serious harm that may be occasioned if the applicable offender were to commit a relevant offence after he or she has been released into the community, and
- (b) a reference to a person applying to another person to be employed by that second-mentioned person to do a particular type or category of work or activity, or to do a particular type or category of prohibited work or activity on that second-mentioned person's behalf, includes a reference to the person applying to another person without that other person having requested or solicited the making of the application.

Publicity orders

8. (1) A court, before which a person who is a care provider is found guilty of an offence under *section 2, 3 or 5* may make a publicity order.

(2) The court, in deciding whether to make a publicity order under *subsection (1)*, shall have regard to the following:

- (a) whether the publicity order is in the public interest;
- (b) whether the making of the publicity order risks the identification of the victim;

- (c) the potential effect of identification on the victim by the making of the publicity order;
- (d) the views of the victim on the making of the publicity order, where they can be ascertained.

(3) A publicity order, made under *subsection (1)*, shall be an order of the court requiring the person concerned to publicise one, or more, of the following:

- (a) the fact that the person has been convicted of an offence under *section 2, 3 or 5*;
- (b) the particulars of the offence concerned;
- (c) the amount of any fine, or duration of any term of imprisonment, imposed by the court in respect of the offence.

(4) The court may, in making a publicity order under *subsection (1)*, require the person concerned to publicise the matters mentioned in *subsection (3)* in a manner specified in the order which may include, but shall not be limited to, the following:

- (a) by publication on the website (if any) of the business or service of the person concerned;

- (b) by publication in a newspaper circulating in the locality in which the place of business or service of the person concerned is situate;
- (c) where the business or service of the person concerned is—
 - (i) an approved centre regulated by the Mental Health Commission under Part 5 of the Mental Health Act 2001, or
 - (ii) a service or designated centre regulated by the Health Information and Quality Authority under Parts 2, 7, 8 and 9 of the Health Act 2007;

by letter sent by registered post to the chairperson of the Commission or the Authority, as the case may be, and, where relevant, in accordance with *paragraph (d)*;

- (d) where the business or service of the person concerned is funded, wholly or partly, out of moneys provided by the Oireachtas, by letter sent by registered post to the Minister and copied to the chairperson of the body, organisation or group through which the funds are provided.

(5) A publicity order, made under *subsection (1)*, shall specify a period within which the requirements specified in the order shall be complied with.

(6) A person who fails to comply with a publicity order made under this section shall be guilty of an offence.

(7) In this section, “care provider” means—

- (a) a body corporate or unincorporated body which, or
- (b) an individual, who employs, or has otherwise made arrangements with, other persons to assist him or her, who,

provides or arranges for the provision of—

- (i) health care for an adult, or
- (ii) social care for an adult;

Anonymity of relevant persons and others

9. (1) Subject to *subsection (2)* and any direction given under *subsection (3)*, where a person is charged with an offence under *section 2, 3, 4 or 5*, any person, other than a relevant person, who, by any means, publishes, distributes or broadcasts—

- (a) any information,

- (b) a photograph of, or a photograph that includes a depiction of, the alleged relevant person, the person charged or a dependent person of either of them, or

- (c) any other representation of the physical likeness, or any representation that includes a depiction of the physical likeness, of the alleged relevant person, the person charged or a dependent person of either the relevant person or the person charged,

that is likely to enable the identification of the alleged relevant person, the person charged or a dependent person of either of them shall be guilty of an offence.

(2) A person does not commit an offence under *subsection (1)* where—

- (a) the relevant person consents in court to being identified, to the person charged being identified or to the dependent person of either relevant person or the person charged being identified, and

- (b) the court, having considered the effect of identification on the relevant person, the person charged or the dependent person of either the relevant person or the person charged, consents to that identification.

(3) The judge of the court in which the proceedings for an offence under *section 2, 3, 4 or 5* are brought may, where he or she considers that the interests of justice so require, direct that such information, photographs or representations, to which *subsection (1)*

applies, as he or she shall specify in the direction, may be published, distributed or broadcast in such manner and subject to such conditions (if any) as he or she may specify in the direction.

(4) A person, other than a relevant person, who contravenes a direction or a condition specified in a direction given under *subsection (3)* shall be guilty of an offence.

(5) It shall be a defence for a person who is charged with an offence under *subsection (1)* to prove that at the time of the alleged offence the person was not aware, and neither suspected nor had reason to suspect, that the matter alleged to have been published or broadcast was a matter specified in that section.

(6) If any matter is published, distributed or broadcast in contravention of *subsection (1)*, the persons who shall be guilty of an offence include, but are not limited to, all or any of the following:

- (a) in the case of matter published in a newspaper or periodical publication, the proprietor, the editor and the publisher thereof;
- (b) in the case of matter published in any other written publication, the publisher thereof;
- (c) in the case of matter distributed online, any person who publishes, distributes or broadcasts the matter;

(d) in the case of matter broadcast, each person who transmits or provides the programme in which the broadcast is made and each person who performs functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication.

(7) Nothing in this section shall prohibit the making of a publicity order under *section 7*.

(8) In this section—

“broadcast” has the same meaning as it has in the Broadcasting Act 2009;

“distribute” means distribute to the public or a portion of the public;

“publish” means publish, other than by way of broadcast, to the public or a portion of the public.

Proceedings for offences

10. (1) No proceedings for an offence under this Act shall be brought except by, or with the consent of, the Director of Public Prosecutions.

(2) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings in relation to an offence under this Act may be commenced—

- (a) at any time within 12 months from the date on which the offence was committed, or
- (b) at any time within 6 months from the date on which evidence that, in the opinion of the person by whom such proceedings are brought, is sufficient to justify the bringing of proceedings, comes to the knowledge of such person,

whichever is the later, but no such proceedings shall be commenced later than 3 years from the date on which the offence concerned was committed.

(3) Where an offence under this Act—

- (a) is committed by a body corporate, by a person purporting to act on behalf of a body corporate or by an individual or an unincorporated body of persons, and
- (b) is proved to have been committed with the consent or approval of, or to have been attributable to any neglect on the part of, any person who, when the offence was committed, was—
 - (i) a director, member of the committee of management or other controlling authority of the body concerned, or

- (ii) the manager, secretary or other officer of the body concerned,

that person as well as the body concerned shall be guilty of an offence and be liable to be proceeded against and punished accordingly as if he or she were guilty of the first-mentioned offence.

Amendment of Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

11. Schedule 2 to the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 is amended, by the insertion of the following paragraph after paragraph 12:

“13. An offence under any of the following provisions of the *Criminal Law (Adult Safeguarding) Act 2024*—

- (a) *section 2* (intentional or reckless abuse, neglect or ill-treatment),
- (b) *section 3* (exposure of relevant person to risk of serious harm or sexual abuse),
- (c) *section 4* (coercive control of relevant person),
- (d) *section 5* (coercive exploitation of relevant person).”.

Review of operation of Act

12. (1) The Minister shall, not later than 3 years after the date of the coming into operation of this section, carry out a review of the operation of this Act.

(2) In carrying out a review under *subsection (1)*, the Minister may consult with such persons as he or she considers appropriate.

Short title and commencement

13. (1) This Act may be cited as the Criminal Law (Adult Safeguarding) Act 2024.

(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 different provisions.