

Number 24 of 2001

CHILDREN ACT, 2001

AN ACT TO MAKE FURTHER PROVISION IN RELATION TO THE CARE, PROTECTION AND CONTROL OF CHILDREN AND, IN PARTICULAR, TO REPLACE THE CHILDREN ACT, 1908, AND OTHER ENACTMENTS RELATING TO JUVENILE OFFENDERS, TO AMEND AND EXTEND THE CHILD CARE ACT, 1991, AND TO PROVIDE FOR RELATED MATTERS.

[8th July, 2001]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 5

CRIMINAL RESPONSIBILITY

(...)

Aiding, etc., under-age child to commit offence.

54. —Where a child under the age of 14 years is responsible for an act or omission which, but for *section 52*, would constitute an offence, any person who aids, abets, counsels or procures the child in or in relation to that act or omission shall be guilty of that offence and be liable to be indicted, tried and punished as a principal offender.

(...)

PART 12

PROTECTION OF CHILDREN

(...)

Cruelty to children.

246. —(1) It shall be an offence for any person who has the custody, charge or care of a child wilfully to assault, ill-treat, neglect, abandon or expose the child, or cause or procure or allow the child to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause unnecessary suffering or injury to the child's health or seriously to affect his or her wellbeing.

(2) A person found guilty of an offence under this section shall be liable—

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

(b) on conviction on indictment, to a fine not exceeding £10,000 or imprisonment for a term not exceeding 7 years or both.

(3) A person may be convicted of an offence under this section—

(a) notwithstanding the death of the child in respect of whom the offence is committed, or

(b) notwithstanding that actual suffering or injury to the health of the child, or the likelihood of such suffering or injury, was obviated by the action of another person.

(4) On the trial of any person for the murder of a child of whom the person has the custody, charge or care, 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 child, find the accused guilty of that offence.

(5) For the purposes of this section a person shall be deemed to have neglected a child in a manner likely to cause the child unnecessary suffering or injury to his or her health or seriously to affect his or her wellbeing if the person—

(a) fails to provide adequate food, clothing, heating, medical aid or accommodation for the child, or

(b) being unable to provide such food, clothing, heating, medical aid or

accommodation, fails to take steps to have it provided under the enactments relating to health, social welfare or housing.

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

(7) For the purposes of this section ill-treatment of a child includes any frightening, bullying or threatening of the child, and "ill-treat" shall be construed accordingly.

Begging.

247.—(1) A person is guilty of an offence if he or she causes or procures a child or, having the custody, charge or care of a child, allows the child to be in any street or public place, or to make house to house visits, for the purpose of begging or receiving alms or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise).

(2) If a person who has the custody, charge or care of a child is charged with an offence under this section, and it is proved that the child was in any street, public place or house for any purpose referred to in *subsection (1)*, the person shall be presumed to have allowed the child to be in the street, public place or house for that purpose, unless the contrary is proved.

(3) A person found guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding—

(a) in the case of a first offence, £250, or

(b) in the case of a second or any subsequent offence, £500.

(4) In this section—

"house" includes any building occupied for residential or business purposes and any part of a building so occupied;

"public place" means any place to which the public have or are permitted to have access whether as of right or by permission and whether on payment or without payment;

"street" includes any road, bridge, lane, footway, subway, square, alley or passage, whether a thoroughfare or not, which is for the time being open to the public, and any ground or carpark adjoining and open to a street shall be treated as forming part of a street.

(...)

Causing or encouraging sexual offence upon child.

249.—(1) A person is guilty of an offence if, having the custody, charge or care of a child, he or she causes or encourages unlawful sexual intercourse or buggery with the child or causes or encourages the seduction or prostitution of, or a sexual assault on, the child.

(2) A person found guilty of an offence under this section shall be liable on conviction on indictment to a fine not exceeding £25,000 or imprisonment for a term not exceeding 10 years or both.

(3) For the purposes of this section a person shall be deemed to have caused or encouraged—

(a) unlawful sexual intercourse or buggery with any child with whom unlawful sexual intercourse or buggery has taken place, or

(b) the seduction or prostitution of a child who has been seduced or become a prostitute or a sexual assault on a child who has been sexually assaulted, if the person has knowingly allowed the child to consort with, or to enter or continue in the employment of, any prostitute or keeper of a brothel.

(4) In this section—

“child” means a child under 17 years of age;

“keeper of a brothel” means a person referred to in section 11 (which relates to brothel keeping) of the Criminal Law (Sexual Offences) Act, 1993 ;

“sexual assault” has the meaning assigned to it by the Criminal Law (Rape) (Amendment) Act, 1990 .

(5) References in this section to sexual intercourse shall be construed as references to carnal knowledge as defined in section 63 of the Offences against the Person Act, 1861.

(...)