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*Number 6 of 2021*

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**Children (Amendment) Act 2021**

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**CHILDREN (AMENDMENT) ACT 2021**

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*Number 6 of 2021*

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## **CHILDREN (AMENDMENT) ACT 2021**

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An Act to amend the Children Act 2001 to make further provision, in relation to proceedings to which section 252 of that Act applies, in respect of the publication and inclusion in a broadcast of reports or pictures identifying or likely to identify certain children; and to provide for related matters. [26th April, 2021]

**Be it enacted by the Oireachtas as follows:**

### **Amendment of section 252 of Children Act 2001**

1. (1) Section 252 of the Children Act 2001 is amended—
- (a) in subsection (1), by the substitution of “Subject to this section,” for “Subject to subsection (2),”;
  - (b) by the insertion of the following subsections after subsection (1):
    - “(1A) Subsection (1) shall not apply to the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to a child where—
      - (a) the proceedings concerned relate to the death of the child, and
      - (b) such publication or inclusion in a broadcast would not result in a contravention of—
        - (i) that subsection in so far as it relates to another child who is alive, or
        - (ii) section 93.
    - (1B) Subsection (1) shall not apply to the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to the person against whom the offence concerned is alleged to have been committed where—
      - (a) the person has attained the age of 18 years on or before the date on which the proceedings commence, and
      - (b) such publication or inclusion in a broadcast of the report or picture would not result in a contravention of—
        - (i) that subsection in so far as it relates to another person, who is a child and is alive, or

(ii) section 93.

(1C) Subsection (1B) is without prejudice to any other enactment or rule of law applicable to proceedings referred to in subsection (1) that operates to prohibit the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to any person.”,

and

(c) by the substitution of the following subsection for subsection (2):

“(2) The court—

(a) shall, subject to such conditions (if any) as it considers appropriate, dispense with the requirements of subsection (1) in relation to a child referred to in that subsection where the proceedings concerned relate to the death of that child unless it is satisfied that to do so would—

(i) not be in the best interests of another child referred to in that subsection who is alive, or

(ii) contravene section 93,

and

(b) may, subject to such conditions (if any) as it considers appropriate, dispense with the requirements of subsection (1) in relation to a child referred to in that subsection where the proceedings concerned do not relate to the death of a child and where the court is satisfied that to so do—

(i) is appropriate having regard to the best interests of that child,

(ii) would not be contrary to the best interests of another child referred to in that subsection who is alive, and

(iii) would not contravene section 93.”.

(2) The amendments effected by *subsection (1)* shall, on and from the date on which this section comes into operation, apply to the publication or inclusion in a broadcast of a report or picture to which section 252(1) of the Children Act 2001 applies, irrespective of whether the proceedings referred to in that subsection were commenced before that date.

### **Short title, collective citation and commencement**

2. (1) This Act may be cited as the Children (Amendment) Act 2021.
- (2) The Children Acts 2001 to 2015 and this Act shall be construed together as one Act and may be cited together as the Children Acts 2001 to 2021.
- (3) This Act shall come into operation on such day or days as the Minister for Justice may appoint by order or orders either generally or with reference to any particular purpose

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or provision and different days may be so appointed for different purposes or provisions.