Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 38 *of* 1996

SEXUAL OFFENCES (JURISDICTION) ACT 1996

REVISED

Updated to 31 August 2024

This Revised Act is an administrative consolidation of the *Sexual Offences (Jurisdiction) Act 1996*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), enacted 23 July 2024, and all statutory instruments up to and including the *Waste Management (Landfill Levy) (Amendment) Regulations 2024* (S.I. No. 442 of 2024), made 2 September 2024, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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SEXUAL OFFENCES (JURISDICTION) ACT 1996

REVISED

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Sexual offences committed outside State.
3. Offence to transport person for purposes of enabling offence to which *section 2 (1)* relates to be committed.
4. Offence to publish information likely to promote etc. commission of offence to which *section 2 (1)* relates.
5. Offences by bodies corporate.
6. Penalties.
7. Proceedings to which *subsections (1), (2)* and *(6)* of *section 2* relate.
8. Evidence as to a person's age.
9. Double jeopardy.
10. Power of search.
11. Short title.

SCHEDULE

Number 38 *of* 1996

SEXUAL OFFENCES (JURISDICTION) ACT 1996

REVISED

Updated to 31 August 2024

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. [19*th December*, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1. — (1) In this Act " a child " means a person under the age of F1**[**18 years**]**.

(2) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended, adapted or extended, whether before or after the passing of this Act, by or under any subsequent enactment.

Annotations

Amendments:

F1 Substituted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 41(a), S.I. No. 112 of 2017.

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.

Annotations

Editorial Notes:

E1 A fine of £1,500 converted (1.01.1999) to €1,904.61. This translates into a class B fine, not greater than €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 5(2) and table ref. no. 2, S.I. No. 662 of 2010.

A fine of £10,000 converted (1.01.1999) to €12,697.38. This is multiplied by 1.75 to €22,220.45 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 9(1) and table ref. no. 1, S.I. No. 662 of 2010.

Proceedings to which *subsections (1), (2)* and *(6)* of *section 2* relate.

7. — Proceedings for an offence which is an offence by virtue of *subsection (1)* of *section 2* of this Act, or which is an offence under *subsection (2)* or *(6)* of *section 2* of this Act, may be taken in any place in the State and the offence may for all incidental purposes be treated as having been committed in that place.

Evidence as to a person's age.

8. — In proceedings for an offence, which is an offence under or by virtue of *section 2* or *3* of this Act, the court may have regard to a person's physical appearance or attributes for the purpose of determining whether that person is under the age of F2**[**18 years**]** or was, at the time of the alleged commission of the offence to which the proceedings relate, under the age of F2**[**18 years**]**.

Annotations

Amendments:

F2 Substituted (27.03.2021) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 41(b), S.I. No. 112 of 2017.

Double jeopardy.

9. — Where a person has been acquitted or convicted, in a place other than the State, of an offence, that person shall not be proceeded against for an offence under this Act or an offence which is an offence by virtue of this Act, in respect of the act constituting the first-mentioned offence.

Power of search.

10. — (1) Where, on the application of a member of the Garda Síochána, a judge of the District Court is satisfied that there are reasonable grounds for believing that evidence of or relating to an offence under this Act is to be found on premises specified in the application, the judge may issue a warrant for the search of those premises.

(2) A warrant issued under this section shall authorise a named member of the Garda Síochána, alone or accompanied by any other member of the Garda Síochána, to enter, within one week from the date of the warrant, and if necessary by the use of force, the premises named in the warrant, and to search it and seize anything found thereon appearing to be evidence relating to an offence under this Act.

(3) A member of the Garda Síochána acting in accordance with a warrant issued under this section may require any person found on premises to which the warrant relates to furnish the said member with his or her name and address.

(4) Any person who obstructs or attempts to obstruct any member of the Garda Síochána acting in accordance with a warrant issued under this section or who fails or refuses to comply with a requirement under this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both.

(5) A member of the Garda Síochána may arrest without warrant any person whom he or she suspects of committing or having committed an offence under this section.

Annotations

Editorial Notes:

E2 A fine of £1,500 converted (1.01.1999) to €1,904.61. This translates into a class B fine, not greater than €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 5(2) and table ref. no. 2, S.I. No. 662 of 2010.

Short title.

11. —This Act may be cited as the Sexual Offences (Jurisdiction) Act, 1996.

Section 2 .

SCHEDULE

F3**[**1. Criminal Law (Sexual Offences) Act, 2006.**]**

F5**[**2. Section 6 (inserted by section 2 of the Criminal Law (Sexual Offences) (Amendment) Act 2007) of the Criminal Law (Sexual Offences) Act, 1993.**]**

3. Section 2 of the Criminal Law (Rape) Act, 1981.

4. Section 2 of the Criminal Law (Rape) (Amendment) Act, 1990.

5. Section 3 of the Criminal Law (Rape) (Amendment) Act, 1990.

6. Section 4 of the Criminal Law (Rape) (Amendment) Act, 1990.

7. F4**[**...**]**

8. F4**[**...**]**

9. Section 5 of the Criminal Law (Sexual Offences) Act, 1993.

F6**[**10. Section 3 of the Child Trafficking and Pornography Act, 1998.**]**

F6**[**11. Section 4 of the Child Trafficking and Pornography Act, 1998.**]**

F7**[**12. Section 5 of the Child Trafficking and Pornography Act 1998.**]**

F7**[**13. Section 5A(4) of the Child Trafficking and Pornography Act 1998.**]**

F7**[**14. Section 6 of the Child Trafficking and Pornography Act 1998.**]**

F8**[**14A. Section 3 of the Criminal Law (Sexual Offences) Act 2017.**]**

F7**[**15. Section 5 of the Criminal Law (Sexual Offences) Act 2017.**]**

F7**[**16. Section 6 of the Criminal Law (Sexual Offences) Act 2017.**]**

F7**[**17. Section 7 of the Criminal Law (Sexual Offences) Act 2017.**]**

F7**[**18. Section 8 of the Criminal Law (Sexual Offences) Act 2017.**]**

F7**[**19. Section 21 of the Criminal Law (Sexual Offences) Act 2017.**]**

F7**[**20. Section 22 of the Criminal Law (Sexual Offences) Act 2017.**]**

Annotations

Amendments:

F3 Substituted (2.06.2006) by *Criminal Law (Sexual Offences) Act 2006* (15/2006), s. 7(3)(a), commenced on enactment.

F4 Deleted (2.06.2006) by *Criminal Law (Sexual Offences) Act 2006* (15/2006), s. 7(3)(b), commenced on enactment.

F5 Inserted (7.03.2007) by *Criminal Law (Sexual Offences) (Amendment) Act 2007* (6/2007), s. 4(2), commenced on enactment.

F6 Inserted (29.07.1998) by *Child Trafficking and Pornography Act 1998* (22/1998), s. 11, commenced as per s. 1(2).

F7 Inserted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 41(c), S.I. No. 112 of 2017.

F8 Inserted (31.08.2024) by *Criminal Law (Sexual Offences and Human Trafficking) Act 2024* (28/2024), s. 15, S.I. No. 391 of 2024.

Editorial Notes:

E3 Previous affecting provision: para. 2 deleted (2.06.2006) by *Criminal Law (Sexual Offences) Act 2006* (15/2006), s. 7(3)(b), commenced on enactment.

ACTS REFERRED TO

Criminal Law (Rape) Act, 1981	1981, No. 10
Criminal Law (Rape) (Amendment) Act, 1990	1990, No. 32
Criminal Law (Sexual Offences) Act, 1993	1993, No. 20
Child Trafficking and Pornography Act, 1998	1998, No. 22
Criminal Law (Sexual Offences) Act, 2006	2006, No. 15
Criminal Law (Sexual Offences) Act, 2017	2017, No. 2

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SEXUAL OFFENCES (JURISDICTION) ACT 1996

REVISED

Updated to 31 August 2024

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Criminal Law (Sexual Offences and Human Trafficking) Act 2024* (28/2024)
- *Criminal Law (Sexual Offences) Act 2017* (2/2017)
- *Criminal Law (Sexual Offences) (Amendment) Act 2007* (6/2007)
- *Criminal Law (Sexual Offences) Act 2006* (15/2006)
- *Child Trafficking and Pornography Act 1998* (22/1998)

All Acts up to and including *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), enacted 23 July 2024, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

None.

All statutory instruments up to and including *Waste Management (Landfill Levy) (Amendment) Regulations 2024* (S.I. No. 442 of 2024), made 2 September 2024, were considered in the preparation of this revision.