Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.



Number 33 *of* 2013

HOUSES OF THE OIREACHTAS (INQUIRIES, PRIVILEGES AND PROCEDURES) ACT 2013

REVISED

Updated to 2 April 2025

This Revised Act is an administrative consolidation of *Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013* (33/2013). It is prepared by the Law Reform Commission in accordance with its function under *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 *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), enacted 14 April 2025, and all statutory instruments up to and including the *Policing, Security and Community Safety Act 2024 (Commencement) Order 2025* (S.I. No. 107 of 2025), made 2 April 2025, were considered in the preparation of this Revised Act.

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Number 33 *of* 2013

HOUSES OF THE OIREACHTAS (INQUIRIES, PRIVILEGES AND PROCEDURES) ACT 2013

REVISED

Updated to 2 April 2025

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Bill of Rights 1688	1688 (1 Will. & Mary sess. 2) c. 2
Broadcasting Act 2009	2009, No. 18
Child Trafficking and Pornography Act 1998	1998, No. 22
Civil Service Regulation Act 1956	1956, No. 46
Commissions of Investigation Act 2004	2004, No. 23
Committee of Public Accounts of Dáil Éireann (Privilege and Procedure) Act 1970	1970, No. 22
Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997	1997, No. 17
Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Act 2004	2004, No. 16
Committees of the Houses of the Oireachtas (Privilege and Procedure) Act 1976	1976, No. 10
Companies Act 1963	1963, No. 33
Companies Act 1990	1990, No. 33
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Court Officers Act 1926	1926, No. 27
Courts of Justice (District Court) Act 1946	1946, No. 21
Courts of Justice Act 1924	1924, No. 10
Defamation Act 2009	2009, No. 31
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Ethics in Public Office Act 1995	1995, No. 22
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Garda Síochána Act 2005	2005, No. 20

House of Commons Costs Taxation Act 1847	1847 (10 & 11 Vict.) c. 69
House of Commons Costs Taxation Act 1879	1879 (42 & 43 Vict.) c. 17
House of Lords Costs Taxation Act 1849	1849 (12 & 13 Vict.) c. 78
Houses of the Oireachtas (Laying of Documents) Act 1966	1966, No. 10
Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993	1993, No. 10
Local Government Act 2001	2001, No. 37
Official Languages Act 2003	2003, No. 32
Official Secrets Act 1963	1963, No. 1
Oireachtas Witnesses Oaths Act 1924	1924, No. 53
Ombudsman Act 1980	1980, No. 26
Parliamentary Attendance Act 1514	1514 (6 Hen. 8) c. 16
Parliamentary Costs Act 1865	1865 (28 & 29 Vict.) c. 27
Parliamentary Costs Act 1867	1867 (30 & 31 Vict.) c. 136
Parliamentary Costs Act 1871	1871 (34 & 35 Vict.) c. 3
Parliamentary Privilege Act 1471	1471-72 (11 & 12 Edw. 4) c. 80 [P.R.O. vol. 3]
Parliamentary Privilege Act 1512	1512 (4 Hen. 8) c. 8
Parliamentary Privilege Act 1603	1603 (1 Jas. 1) c. 13
Parliamentary Privilege Act 1737	1737 (11 Geo. 2) c. 24
Parliamentary Privilege Act 1770	1770 (10 Geo. 3) c. 50
Parliamentary Witnesses Act 1858	1858 (21 & 22 Vict.) c. 78
Parliamentary Witnesses Oaths Act 1871	1871 (34 & 35 Vict.) c. 83
Private Bill Costs Act 1924	1924, No. 52
Public Service Management Act 1997	1997, No. 27
Select Committee on Legislation and Security of Dáil Éireann (Privilege and Immunity) Act 1994	1994, No. 32
Statute Law Revision Act 2007	2007, No. 28
Statute Law Revision Act 2009	2009, No. 46
Statute Law Revision Act 2012	2012, No. 19
Taxes Consolidation Act 1997	1997, No. 39
Tribunals of Inquiry (Evidence) Acts 1921 to 2011	
Witnesses (Public Inquiries) Protection Act 1892	1892 (55 & 56 Vict.) c. 64

Number 33 *of* 2013

HOUSES OF THE OIREACHTAS (INQUIRIES, PRIVILEGES AND PROCEDURES) ACT 2013

REVISED

Updated to 2 April 2025

AN ACT TO PROVIDE FOR THE EXERCISE BY EITHER HOUSE OR BOTH HOUSES OF THE OIREACHTAS (OR BY A COMMITTEE OF EITHER HOUSE OR BOTH HOUSES) OF A POWER TO CONDUCT AN INQUIRY INTO SPECIFIED MATTERS, TO PROVIDE FOR MATTERS RELATING TO COMPELLABILITY, PRIVILEGE AND PROCEDURE IN THE HOUSES (AND IN COMMITTEES OF EITHER HOUSE OR BOTH HOUSES), AND TO PROVIDE FOR RELATED MATTERS.

[24*th July*, 2013]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title and commencement.

1.— (1) This Act may be cited as the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013.

(2) Subject to *subsection (3)*, 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 and different provisions.

(3) Where the Minister proposes to make an order under *subsection (2)*—

(*a*) he or she shall cause a draft of the proposed order to be laid before each House, and

(*b*) he or she shall not make the order unless and until a resolution approving of the draft has been passed by each House.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (25.09.2013) by *Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 (Commencement) Order 2013* (S.I. No. 362 of 2013).

2. The 25th day of September 2013 is appointed as the day on which the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 (No. 33 of 2013) shall come into operation.

Interpretation — general.

2.— (1) In this Act—

"chairman", in relation to a committee, includes any committee member for the time being acting as the chairman of the committee pursuant to *section 21(6)*;

"civil servant" means a civil servant within the meaning of the Civil Service Regulation Act 1956;

"commission" means a commission established under the Commissions of Investigation Act 2004;

"committee" means either House sitting as a committee, a committee appointed by either House or a joint committee, and includes a sub-committee of any such committee and, in relation to relevant proceedings, means the committee conducting the proceedings;

"committee member", in relation to a committee, means a member of the committee;

"Committee of Public Accounts" means the committee of Dáil Éireann established under the rules and standing orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General;

"control", in relation to a document, includes the ability to procure the document;

"controlled company or body" means a company or body under the control, within the meaning of section 11 of the Taxes Consolidation Act 1997, of—

(*a*) a company to which *paragraph (a)* of the definition of "relevant body" applies,

(*b*) a subsidiary to which *paragraph (b)* of that definition applies,

(*c*) a body to which *paragraph (c)* of that definition applies, or

(*d*) a public service body to which *paragraph (d)* or *(e)* of the definition of "public body" applies;

"Court" means High Court;

"document" includes—

(*a*) a book, record or other written or printed material in any form (including in any electronic device),

(*b*) a map, plan or drawing,

(*c*) a disc, tape or other mechanical or electronic device in which data other than visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the disc, tape or other device,

(*d*) a film, disc, tape or other mechanical or electronic device in which visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the film, disc, tape or other device, and

(*e*) a copy of any thing which falls within *paragraph (a)*, *(b)*, *(c)* or *(d)*;

"electronic device" includes any device which uses any electrical, digital, magnetic, optical, electromagnetic, biometric or photonic means, or other forms of related technology, or any combination thereof, to store or transmit data, or both store and transmit data;

"enactment" means an Act or statutory instrument or any portion of an Act or statutory instrument;

"evidence", in relation to relevant proceedings, includes any expression, whether oral, written or otherwise, of an opinion, belief or intention given in respect of the proceedings;

"final report", in relation to a *Part 2* inquiry, means the final report under *section 33(1)* of the committee in respect of the matter the subject of the inquiry (and includes any evidence omitted from the printed version of the final report pursuant to *section 33(4)*);

"give", in relation to a document, includes send or produce the document;

"House" means a House of the Oireachtas and, in relation to a committee (other than a House sitting as a committee), means—

(*a*) subject to *paragraph (b)*, the House of the Oireachtas which appointed the committee, and

(*b*) if the committee is a joint committee, both Houses of the Oireachtas;

"interim report", in relation to a *Part 2* inquiry, means an interim report under *section 34(1)* of the committee in respect of the matter the subject of the inquiry (and includes any evidence omitted from the printed version of the interim report pursuant to *section 33(4)* as read with *section 34(2)*);

"joint committee" means—

(*a*) a committee appointed by both Houses in identical terms, or

(*b*) a committee appointed by a House joined together with another committee appointed by the other House;

"legal practitioner" means a person who is a practising barrister or practising solicitor and a reference to a solicitor includes a reference to a firm of solicitors;

"Minister" means Minister for Public Expenditure and Reform;

"Oireachtas Commission" means Houses of the Oireachtas Commission;

"other committee business" means any business, other than a *Part 2* inquiry, conducted or to be conducted by a committee;

" parliamentary legal costs adjudicator " has the meaning assigned to it by *section 42*;

"*Part 2* inquiry" means a *section 7* inquiry, *section 8* inquiry, *section 9* inquiry, *section 10* inquiry, *section 11* inquiry or *section 16* inquiry conducted or to be conducted by a committee;

"public body" means—

(*a*) a Department of State,

(*b*) the Garda Síochána,

(*c*) the Permanent Defence Force within the meaning of the Defence Act 1954,

(*d*) a local authority within the meaning of the Local Government Act 2001,

(*e*) a body established by or under any enactment or charter other than the Companies Acts, or

(*f*) a relevant body specified by the Minister, in regulations made under *subsection (8)*, as a relevant body which falls within this paragraph;

"publish", in relation to a statement, utterance, allegation or document, means publish to the public or a section of the public;

"relevant body" means—

(*a*) a company established under the Companies Acts, a majority of the shares of which are held—

(i) by or on behalf of a Minister of the Government, or

(ii) by directors appointed by a Minister of the Government,

(*b*) a subsidiary, within the meaning of section 155 of the Companies Act 1963, of a company to which *paragraph (a)* applies,

(*c*) a body funded, wholly or partly, out of moneys—

(i) provided by the Oireachtas, or

(ii) from the Central Fund or the growing produce thereof,

or

(*d*) a controlled company or body specified by the Minister, in regulations made under *subsection (9)*, as a controlled company or body which falls within this paragraph;

"relevant misbehaviour", in relation to the committee conducting a *Part 2* inquiry, means a finding of fact by the committee which falls within any of *paragraphs (a)* to *(h)* of *section 14*;

"relevant proceedings" means—

(*a*) a *Part 2* inquiry, or

(*b*) other committee business;

"relevant report", in relation to a *Part 2* inquiry, means an interim report or the final report;

"rules and standing orders" means the rules and standing orders for the time being in force of either House relative to public business made by each House pursuant to Article 15.10 of the Constitution;

"*section 7* inquiry" means an inquiry referred to in *section 7(1)*;

"*section 8* inquiry" means an inquiry referred to in *section 8(1)*;

"*section 9* inquiry" means an inquiry referred to in *section 9(1)*;

"*section 10* inquiry" means an inquiry referred to in *section 10(1)*;

"*section 11* inquiry" means an inquiry referred to in *section 11(1)*;

"*section 16* inquiry" means an investigation referred to in *section 16(1)(a)*;

"termination", in relation to a *Part 2* inquiry, includes the termination of the inquiry effected by the House dissolving the committee;

"terms of reference", in relation to a *Part 2* inquiry which is not a *section 16* inquiry, means the terms of reference for the inquiry set under *section 13*;

"tribunal" means a tribunal to which the Tribunals of Inquiry (Evidence) Acts 1921 to 2011 apply;

"witness", in relation to relevant proceedings, includes a prospective witness.

(2) For the purposes of this Act, a document in the possession or control of a body corporate or an unincorporated body of any kind is considered, in the absence of evidence to the contrary, to be also in the possession or control of any individual who, because of his or her functions or position within the body corporate or the unincorporated body, as the case may be, can reasonably be expected to have possession or control of the document.

(3) Nothing in this Act shall be construed to prevent a person (including the committee) who is entitled under this Act to question a witness in the course of the proceedings of a *Part 2* inquiry to so question the witness directly or through the person's legal practitioner (if any).

(4)(*a*) A consent given under this Act by the House to a committee (other than a House sitting as a committee) may be given subject to such conditions and directions as are specified by the House at the time the consent is given.

(*b*) A consent given under this Act by a committee may be given subject to such conditions and directions as are specified by the committee at the time the consent is given.

(5) A reference in this Act to a person (howsoever described) informing a committee of a matter, or otherwise giving notice to a committee of a matter, is satisfied when the chairman of the committee is so informed or given such notice, and is so satisfied whether or not the other committee members are so informed or given such notice at the same or at another time.

(6) A reference in this Act to any matter the subject of relevant proceedings includes a reference to a person the subject of the proceedings.

(7) A reference in this Act to disclosing or publishing a document (howsoever described) includes a reference to disclosing or publishing, as the case may be, part of the document or all or part of the content of the document.

(8) The Minister may make regulations specifying that a relevant body is a relevant body which falls within *paragraph (f)* of the definition of "public body" in *subsection (1)*.

(9) The Minister may make regulations specifying that a controlled company or body is a controlled company or body which falls within *paragraph (d)* of the definition of "relevant body" in *subsection (1)*.

(10) Nothing in this Act shall be construed to prejudice the power of each House to make rules and standing orders consistent with this Act.

(11) In so far as is practicable, rules and standing orders shall be construed in a manner consistent with this Act.

Expenses.

3.— The expenses incurred in the administration of this Act shall be paid out of moneys provided by the Oireachtas.

Laying of regulations.

4.— Every regulation made under this Act shall be laid before each House as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Repeals.

5.— The enactments specified in *columns (1)* and *(2)* of the *Schedule* are repealed to the extent specified in *column (3)* of the *Schedule* .

PART 2

Types of Inquiries that may be Conducted

Chapter 1

Section 7, section 8, section 9, section 10 and section 11 inquiries, etc.

Application of *Chapter 1.*

6.— A reference in this Chapter to a *Part 2* inquiry does not include a reference to a *Part 2* inquiry which is a *section 16* inquiry.

Power of committee to conduct inquiry by way of recording evidence, etc.

7.— (1) Subject to *sections 12(1)* and *13(1)*, a committee may conduct an inquiry into any matter where, in respect of the matter, the inquiry consists only of—

(*a*) recording evidence,

(*b*) reporting the evidence,

(*c*) subject to *subsections (2)* and *(3)*, making findings of fact (if any), including of relevant misbehaviour, and

(*d*) subject to *subsection (3)*, making recommendations (if any) arising from one or both of the following:

(i) those findings of fact;

(ii) findings of fact made by another committee in conducting another *Part 2* inquiry if the terms of reference for that other *Part 2* inquiry expressly state that its findings of fact may be used in other *Part 2* inquiries.

(2) Subject to *subsection (5)*, the committee, in exercise of the power to conduct a *section 7* inquiry, shall not make any findings of fact except as to facts that are not contradicted by any witness or other person giving evidence in the course of—

(*a*) the proceedings of the inquiry, or

(*b*) the proceedings, of which the committee is aware, of a court, tribunal or commission.

(3) The committee shall not have the power referred to in *paragraph (c)* or *(d)(i)* or *(ii)* of *subsection (1)* unless the terms of reference for the *section 7* inquiry expressly state that the committee has that power.

(4) Subject to *section 66*, the committee shall not have the power to send for persons, papers or records unless—

(*a*) that power has been conferred upon it pursuant to the applicable rules and standing orders, and

(*b*) the resolution under *section 13(1)* for the *section 7* inquiry specifies that that power has been or will be conferred upon the committee.

(5) *Subsection (2)* shall not apply to a finding of fact which is relevant misbehaviour.

Power of committee to conduct inquiry into legislative functions of either House or both Houses.

8.— (1) Subject to *sections 12(1)* and *13(1)*, a committee may conduct an inquiry relating to the exercise of one or more than one of the legislative functions of the House or, if the committee is a joint committee, both Houses, including whether there is a need for new legislation.

(2) The committee, in exercise of the power to conduct a *section 8* inquiry, may—

(*a*) record evidence,

(*b*) report the evidence,

(*c*) subject to *subsection (3)*, make findings of fact (if any), including of relevant misbehaviour, and

(*d*) subject to *subsection (3)*, make recommendations (if any) arising from one or both of the following:

(i) those findings of fact (including a recommendation calling for the exercise, or the modification or restraint of the exercise, of any one or more of the legislative functions referred to in *subsection (1)* the subject of the inquiry);

(ii) findings of fact made by another committee in conducting another *Part 2* inquiry if the terms of reference for that other *Part 2* inquiry expressly state that its findings of fact may be used in other *Part 2* inquiries.

(3) The committee shall not have the power referred to in *paragraph (c)* or *(d)(i)* or *(ii)* of *subsection (2)* unless the terms of reference for the *section 8* inquiry expressly state that the committee has that power.

(4) Subject to *section 66*, the committee shall not have the power to send for persons, papers or records unless—

(*a*) that power has been conferred upon it pursuant to the applicable rules and standing orders, and

(*b*) the resolution under *section 13(1)* for the *section 8* inquiry specifies that that power has been or will be conferred upon the committee.

Power of committee to conduct inquiry into removal, etc., of certain officeholders.

9.— (1) Subject to *sections 12(1)* and *13(1)*, a committee may conduct an inquiry into the removal or proposed removal of an officeholder (howsoever described) pursuant to a relevant provision.

(2) The committee, in exercise of the power to conduct a *section 9* inquiry, may—

(*a*) record evidence,

(*b*) report the evidence,

(*c*) subject to *subsection (4)*, make findings of fact (if any), including findings of fact that directly impugn the good name of the officeholder to whom the inquiry relates or of relevant misbehaviour, and

(*d*) subject to *subsection (4)*, make recommendations (if any) arising from one or both of the following:

(i) those findings of fact;

(ii) findings of fact made by another committee in conducting another *Part 2* inquiry if the terms of reference for that other *Part 2* inquiry expressly state that its findings of fact may be used in other *Part 2* inquiries.

(3) Nothing in this section shall require a *section 9* inquiry to be conducted before a resolution referred to in a relevant provision has been passed in circumstances where no breach of fair procedures would be occasioned by not conducting the inquiry.

(4) The committee shall not have the power referred to in *paragraph (c)* or *(d)(i)* or *(ii)* of *subsection (2)* unless the terms of reference for the *section 9* inquiry expressly state that the committee has that power.

(5) Subject to *section 66*, the committee shall not have the power to send for persons, papers or records unless—

(*a*) that power has been conferred upon it pursuant to the applicable rules and standing orders, and

(*b*) the resolution under *section 13(1)* for the *section 9* inquiry specifies that that power has been or will be conferred upon the committee.

(6) In this section "relevant provision" means—

(*a*) Article 33.5 of the Constitution,

(*b*) Article 35 of the Constitution,

(*c*) section 39 of the Courts of Justice Act 1924, section 20 of the Courts of Justice (District Court) Act 1946 or any other enactment relating to the removal of a judge in his or her capacity as a judge,

(*d*) section 2(3)(*b*) of the Ombudsman Act 1980,

(*e*) section 9(2)(*f*) of the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993,

(*f*) section 21 of the Ethics in Public Office Act 1995,

(*g*) paragraph 2(*b*) of the Second Schedule to the Freedom of Information Act 1997,

(*h*) paragraph 2(*b*) of the Second Schedule to the Official Languages Act 2003,

(*i*) F1**[**section 174 (9) of the Policing, Security and Community Safety Act 2024**]**,

(*j*) section F2**[**12(5)**]** or 84 (5) of the Broadcasting Act 2009, or

(*k*) any other enactment relating to the removal of an officeholder and which requires a resolution of either House or both Houses for such removal, whether or not the officeholder concerned may also be removed from office by virtue of a provision referred to in any of *paragraphs (a)* to *(j)*.

Annotations

Amendments:

F1 Substituted (2.04.2025) by *Policing, Security and Community Safety Act 2024* (1/2024), s. 290, S.I. No. 107 of 2025.

F2 Substituted (15.03.2023) by *Online Safety and Media Regulation Act 2022* (41/2022), s. 77, S.I. No. 71 of 2023.

Power of committee to conduct inquiry into conduct of member of House.

10.— (1) Subject to *sections 12(1)* and *13(1)*, a committee may conduct an inquiry into the conduct of a member of the House (including a member who may be removed from his or her office as such member pursuant to a relevant provision within the meaning of *section 9(6)*) in his or her capacity as such member.

(2) The committee, in exercise of the power to conduct a *section 10* inquiry, may—

(*a*) record evidence,

(*b*) report the evidence,

(*c*) subject to *subsection (3)*, make findings of fact (if any), including findings of fact that directly impugn the good name of the member of the House to whom the inquiry relates or of relevant misbehaviour, and

(*d*) subject to *subsection (3)*, make recommendations (if any) arising from one or both of the following:

(i) those findings of fact;

(ii) findings of fact made by another committee in conducting another *Part 2* inquiry if the terms of reference for that other *Part 2* inquiry expressly state that its findings of fact may be used in other *Part 2* inquiries.

(3) The committee shall not have the power referred to in *paragraph (c)* or *(d)(i)* or *(ii)* of *subsection (2)* unless the terms of reference for the *section 10* inquiry expressly state that the committee has that power.

(4) Subject to *section 66*, the committee shall not have the power to send for persons, papers or records unless—

(*a*) that power has been conferred upon it pursuant to the applicable rules and standing orders, and

(*b*) the resolution under *section 13(1)* for the *section 10* inquiry specifies that that power has been or will be conferred upon the committee.

(5) The committee shall not conduct a *section 10* inquiry, or continue to conduct a *section 10* inquiry, into the conduct of a member of the House in his or her capacity as such member if such conduct—

(*a*) is the subject of a complaint under section 8 of the Ethics in Public Office Act 1995, or

(*b*) is the subject of an investigation under section 9 of that Act.

Power of committee to conduct inquiry into conduct of certain officeholders, etc.

11.— (1) Subject to *sections 12(1)* and *13(1)*, a committee of Dáil Éireann may conduct an inquiry into any matter relevant to—

(*a*) holding the Government to account under subsection 1° of Article 28.4 of the Constitution, or

(*b*) holding to account a person who is liable to being held to account by Dáil Éireann by virtue of—

(i) the terms of a contract entered into by the person, or

(ii) the terms of a statutory appointment held by the person.

(2) The committee, in exercise of the power to conduct a *section 11* inquiry, may—

(*a*) record evidence,

(*b*) report the evidence,

(*c*) subject to *subsection (5)*, make findings of fact (if any), including—

(i) findings of fact that directly impugn the good name of—

(I) an officeholder (or former officeholder) of the Government in his or her capacity (or former capacity) as such officeholder,

(II) the chief executive officer (or equivalent, by whatever name called) of a public body that is subject to scrutiny by the Committee of Public Accounts,

(III) the Secretary General (or equivalent, by whatever name called) of a Department of State or an office or branch of the public service specified in column 1 of Part I, or in Part II, of the Schedule to the Public Service Management Act 1997, or

(IV) a person referred to in *subsection (1)(b)*,

and

(ii) of relevant misbehaviour,

and

(*d*) subject to *subsection (5)*, make recommendations (if any) arising from one or both of the following:

(i) those findings of fact;

(ii) findings of fact made by another committee in conducting another *Part 2* inquiry if the terms of reference for that other *Part 2* inquiry expressly state that its findings of fact may be used in other *Part 2* inquiries.

(3) Subject to *subsection (4)*, the committee, in exercise of the power to conduct a *section 11* inquiry, may, in addition to inquiring into the conduct of a person who falls within any of *clauses (I)* to *(IV)* of *subsection (2)(c)(i)*, also inquire into the conduct of—

(*a*) a civil servant (or former civil servant) in his or her capacity (or former capacity) as such civil servant,

(*b*) an official (or former official) of a public body referred to in *subsection (2)(c)(i)(II)* in his or her capacity (or former capacity) as such official, or

(*c*) other persons who acted on behalf of, or under the direction or control of, any officeholder who is the subject of the inquiry or on behalf of, or under the direction or control of, a civil servant (or former civil servant) or official (or former official) referred to in *paragraph (a)* or *(b)*.

(4) Without prejudice to the generality of *section 17(1)* and *(2)*, *subsection (3)* shall not entitle the committee to make findings of fact that directly impugn the good name of a person whose conduct may be inquired into by virtue of that subsection unless that person falls within any of *clauses (I)* to *(IV)* of *subsection (2)(c)(i)*.

(5) The committee shall not have the power referred to in *paragraph (c)* or *(d)(i)* or *(ii)* of *subsection (2)* unless the terms of reference for the *section 11* inquiry expressly state that the committee has that power.

(6) Subject to *section 66*, the committee shall not have the power to send for persons, papers or records unless—

(*a*) that power has been conferred upon it pursuant to the applicable rules and standing orders, and

(*b*) the resolution under *section 13(1)* for the *section 11* inquiry specifies that that power has been or will be conferred upon the committee.

Proposal by committee to conduct *Part 2* inquiry.

12.— (1) Subject to *subsection (3)*, a committee which proposes to conduct a *Part 2* inquiry shall, in accordance with the rules and standing orders made by the House pursuant to *subsection (2)*, give a notice in writing of the proposal for the inquiry (in this section referred to as the "relevant proposal") to an individual or committee designated for the purposes of this subsection by those rules and standing orders.

(2) Each House shall make rules and standing orders in relation to designating a person (in this section referred to as the "designated person") for the purposes of *subsection (1)* and may make rules and standing orders in relation to any of the following:

(*a*) specifying the matters to be contained in the relevant proposal;

(*b*) requiring the designated person to examine the relevant proposal and prepare a report on the relevant proposal (in this section referred to as the "relevant report");

(*c*) specifying the matters to be contained in the relevant report;

(*d*) specifying the procedures to be applied in the preparation of the relevant report;

(*e*) requiring a person (which may be the designated person) to consider the relevant report and make recommendations to the House in respect of such matters relating to the relevant report as are specified in the rules and standing orders, including, in particular, whether the proposed *Part 2* inquiry the subject of the report should be held and, if so, by which committee and in what manner;

(*f*) making such other provision for the purposes of this section as the House considers appropriate.

(3) The House shall make the rules and standing orders referred to in *subsection (1)* not later than 50 sitting days after the commencement of this section.

(4) The House to which the relevant report (if any) is given shall consider the report and the recommendations (if any) referred to in *subsection (2)(e)* before it passes or declines to pass a resolution referred to in *section 13(1)* in respect of the proposed *Part 2* inquiry the subject of the report.

Setting of terms of reference for *Part 2* inquiry.

13.— (1) A committee shall not conduct a *Part 2* inquiry unless—

(*a*) subject to *subsection (3)*, the House has, in accordance with the rules and standing orders made by the House pursuant to *subsection (2)*, passed a resolution in respect of the inquiry (in this section referred to as the "terms of reference resolution") specifying—

(i) whether the inquiry is a *section 7* inquiry, *section 8* inquiry, *section 9* inquiry, *section 10* inquiry or *section 11* inquiry,

(ii) subject to *section 66*, whether the committee has or will have the power to send for persons, papers or records pursuant to the applicable rules and standing orders, and

(iii) such other matters as are set out in those rules and standing orders in so far as they relate to the terms of reference resolution,

and

(*b*) if the committee is a joint committee, the terms of reference resolution passed by each House are in identical terms.

(2) Each House may make rules and standing orders in relation to any of the following:

(*a*) without prejudice to the generality of *section 12(2)*, specifying the matters to be considered by the House concerned prior to passing or declining to pass the terms of reference resolution, including the likelihood, if the resolution is passed, of the *Part 2* inquiry the subject of the resolution prejudicing any criminal proceedings that are pending or in progress in the State or any criminal investigation that is currently being conducted in the State;

(*b*) setting out matters to be specified in the terms of reference resolution for the purpose of describing the scope of the *Part 2* inquiry the subject of the resolution as precisely as is practicable;

(*c*) specifying other matters that it considers are appropriate to be contained in the terms of reference resolution;

(*d*) making such other provision for the purposes of this section as the House considers appropriate.

(3) The House shall make rules and standing orders referred to in *subsection (1)(a)* not later than 50 sitting days after the commencement of this section.

Finding of failure to co-operate with *Part 2* inquiry.

14.— The committee conducting a *Part 2* inquiry may make a finding of fact that a named person (including any officeholder) has failed to fully co-operate with the inquiry by—

(*a*) failing to attend the inquiry as a witness when required under this Act to do so by the committee,

(*b*) attending the inquiry as a witness but refusing to answer a question (not being a question that the witness is entitled by law to refuse to answer) put to him or her by the committee,

(*c*) failing to give to the inquiry a document within his or her possession or control (not being a document that the person is entitled by law to withhold from the inquiry) when required under this Act to do so by the committee,

(*d*) giving evidence or a document to the inquiry that is false or misleading in a material particular,

(*e*) destroying, or attempting to destroy, evidence,

(*f*) influencing, or attempting to influence, witnesses,

(*g*) interfering with, or attempting to interfere with, witnesses, or

(*h*) otherwise obstructing or interfering with the inquiry in an unlawful manner.

Chapter 2

Section 16 inquiry

Application of *section 16*.

15.— *Section 16* applies when—

(*a*) a notice of motion referred to in Article 12.10.3 of the Constitution has been signed subject to and in accordance with the provisions of that Article,

(*b*) a resolution referred to in Article 12.10.4 of the Constitution has been supported subject to and in accordance with the provisions of that Article, and

(*c*) a charge under Article 12.10 of the Constitution has been preferred subject to and in accordance with the provisions of that Article.

Committee may conduct investigation into charge under Article 12.10 of Constitution.

16.— (1) (*a*) Subject to *paragraph (b)* and *subsection (4)*, when this section applies, a committee may investigate the charge under Article 12.10 of the Constitution by virtue of which this section applies.

(*b*) The other provisions of this Act shall, with all necessary modifications, apply to a *section 16* inquiry in a manner consistent with and in adherence to Article 12.10 of the Constitution.

(2) The committee, in exercise of the power to conduct a *section 16* inquiry, may—

(*a*) record evidence,

(*b*) report the evidence, and

(*c*) make findings of fact (if any) of misbehaviour referred to in Article 12.10 of the Constitution.

(3) Subject to *section 66*, the committee shall not have the power to send for persons, papers or records unless that power has been conferred upon it pursuant to the applicable rules and standing orders.

(4)(*a*) Where the charge under Article 12.10 of the Constitution has been preferred by Dáil Éireann, the committee conducting the *section 16* inquiry shall be Seanad Éireann or a committee appointed by Seanad Éireann.

(*b*) Where the charge under Article 12.10 of the Constitution has been preferred by Seanad Éireann, the committee conducting the *section 16* inquiry shall be Dáil Éireann or a committee appointed by Dáil Éireann.

PART 3

Part 2 Inquiries to Observe Fair Procedures

Findings of fact not to directly impugn person's good name other than certain persons.

17.— (1) A reference in this Act (howsoever expressed) to the impugnment of the good name of a person in connection with a *Part 2* inquiry is a reference to a finding of fact by the committee that directly impugns the good name only of a person against whom the committee may—

(*a*) if the inquiry is a *section 7* inquiry, make such a finding pursuant to the relevant provisions of *section 7*,

(*b*) if the inquiry is a *section 8* inquiry, make such a finding pursuant to the relevant provisions of *section 8*,

(*c*) if the inquiry is a *section 9* inquiry, make such a finding pursuant to the relevant provisions of *section 9*,

(*d*) if the inquiry is a *section 10* inquiry, make such a finding pursuant to the relevant provisions of *section 10*,

(*e*) if the inquiry is a *section 11* inquiry, make such a finding pursuant to the relevant provisions of *section 11*, and

(*f*) if the inquiry is a *section 16* inquiry, make such a finding pursuant to the relevant provisions of *section 16*.

(2) Subject to *subsection (3)*, the committee shall not—

(*a*) make findings which directly impugn the good name of a person other than in accordance with the provisions of this Act as read with *subsection (1)*, or

(*b*) make findings of civil or criminal liability.

(3) The committee may—

(*a*) make a finding that any matter relating to systems, practices, procedures or policy or arrangements for the implementation of policy which fall within the subject of the *Part 2* inquiry ought to have been carried out in a different manner,

(*b*) make recommendations in relation to a matter referred to in *paragraph (a)*, or

(*c*) subject to *subsection (4)*, make a finding of relevant misbehaviour.

(4) Where a finding of fact of the committee is of relevant misbehaviour, the committee shall, in the finding of fact—

(*a*) give particulars of the matter occasioning that finding of fact, and

(*b*) give an assessment of the prejudice (if any) caused to the *Part 2* inquiry by that matter.

Privileges and immunities of witnesses.

18.— (1) (*a*) Subject to *subsections (2)* and *(3)* and *section 94* (where *paragraph (a)* of *subsection (6)* of that section applies), a person whose evidence has been, is being or is to be given before a *Part 2* inquiry, or who gives a document to the inquiry, whether voluntarily or pursuant to a direction under this Act—

(i) has the same immunities and privileges in respect of that evidence or document, and

(ii) is, in addition to the penalties provided by this Act, subject to the same liabilities,

as a witness to proceedings in the Court.

(*b*) Subject to *subsections (2)* and *(3)* and *section 94* (where *paragraph (a)* of *subsection (6)* of that section applies), a person who is directed under this Act to give evidence or a document to a *Part 2* inquiry or to attend before the inquiry and there to give evidence or a document—

(i) has the same immunities and privileges in respect of that evidence or document, and

(ii) is, in addition to the penalties provided by this Act, subject to the same liabilities,

as a witness to proceedings in the Court.

(2) *subsection (1)* shall not entitle a person to refuse to answer a question or furnish a document on the grounds that it would incriminate the person or any other person.

(3) Where a witness (not being a member of either House) who is giving evidence to a *Part 2* inquiry in relation to a particular matter is directed by the chairman of the committee to cease giving such evidence, the witness shall be entitled only to qualified privilege in relation to defamation in respect of any evidence given after the giving of the direction unless and until the chairman withdraws the direction.

(4) Where it is determined that the privilege relied on as grounds for refusing to give a document applies to part only of the information in a document, the person directed to give the document shall cause to be prepared a redacted version, or a summary version, or both, as directed by the committee, of the document that excludes that privileged information, but only if—

(*a*) the document so allows, and

(*b*) in the committee's opinion, it is in the best interests of the *Part 2* inquiry and of fair procedures to do so.

(5) Where a person causes a redacted version, or a summary version, or both, of a document to be prepared in accordance with this section, the redacted version, or the summary version, or both, as the case requires, forms part of the evidence received by the *Part 2* inquiry.

Guidelines relating to procedures of *Part 2* inquiry.

19.— (1) Subject to *subsection (2)*, the *section 19* committee may issue guidelines under this section, not inconsistent with this Act, relating to the procedures of *Part 2* inquiries.

(2) For the purposes of the considerations to be taken into account in promoting the objectives of fair procedures and the efficient and cost-effective running of *Part 2* inquiries, guidelines under this section may include guidelines relating to—

(*a*) procedures applicable to witnesses,

(*b*) any distinctions which may be drawn between procedures applicable to all witnesses and those against whom allegations are made,

(*c*) the circumstances in which evidence in writing rather than oral evidence may be appropriate,

(*d*) protocols for committees (including committee members) or a class of committees (including a class of committee members) in their dealings with the media both immediately before the commencement of, during the course of, and after the termination of, *Part 2* inquiries,

(*e*) protocols for the chairmen of committees or a class of such chairmen in their dealings with witnesses and other committee members,

(*f*) the information to be provided to witnesses, including matters relating to non-cooperation with the inquiry and offences under this Act, or

(*g*) to the extent practicable, achieving a balance between committee members as regards their respective political affiliations.

(3) Guidelines issued under this section shall not prejudice the generality of any rules and standing orders.

(4) In this section—

"procedures" includes conduct;

"*section 19* committee" means the committee designated by the rules and standing orders of the House as the committee which may issue guidelines under this section.

Power of chairman of committee to give directions, etc.

20.— (1) The chairman of the committee shall be entitled to give such directions as he or she considers appropriate to avoid a contravention of this Act from occurring in the conduct of the *Part 2* inquiry.

(2) Without prejudice to the generality of *subsection (1)* or *section 23(1)*, directions under *subsection (1)* may include—

(*a*) a direction to a witness to cease giving evidence or, after such cesser, to start giving evidence again, or

(*b*) a direction to a committee member to cease particular questioning.

(3) Without prejudice to any other action that may be taken in respect of a breach of privilege by a committee member during the course of the conduct of the *Part 2* inquiry, the House may by resolution remove a committee member from the committee—

(*a*) for contravening a direction given to him or her pursuant to *subsection (2)(b)*, or

(*b*) in the event of it being established, in accordance with the rules and standing orders of the House, that the member has, otherwise than by virtue of a contravention referred to in *paragraph (a)*, contravened a requirement of this Act applicable to the inquiry.

(4) The House may by resolution remove a committee member from, or add a member of the House to, the committee in accordance with the rules and standing orders of the House.

(5) A member who has been added to the committee after the committee has started conducting the *Part 2* inquiry shall have regard to—

(*a*) each interim report (if any) of the committee made by the committee before he or she became a committee member, and

(*b*) evidence received by the committee before he or she became a committee member.

(6) The removal of a committee member shall not for that reason alone invalidate the proceedings of the *Part 2* inquiry up to the point of such removal and the inquiry may continue to be conducted without the former committee member.

(7) A failure by a person to comply with a direction given under this section shall not of itself prejudice the further conduct of the *Part 2* inquiry.

Member not to be committee member where perception of bias might arise.

21.— (1) A member of the House shall not be, or continue to be, a committee member if by reason of—

(*a*) subject to *subsection (8)*, his or her connection or dealings with any matter the subject of the *Part 2* inquiry,

(*b*) his or her utterances on the matter the subject of the inquiry, or

(*c*) any other circumstances that the House considers relevant,

a perception of bias might arise in a reasonable person aware of that connection, or those dealings, utterances or other relevant circumstances, as the case may be.

(2) Where there is a doubt as to whether *subsection (1)* applies in the case of a member of the House, the House shall decide the matter as soon as is practicable.

(3) A committee member shall recuse himself or herself from the *Part 2* inquiry if, during the course of the conduct of the inquiry, by reason of—

(*a*) his or her connection or dealings with any matter the subject of the inquiry,

(*b*) his or her utterances on the matter the subject of the inquiry, or

(*c*) any other circumstances that the House considers relevant,

a perception of bias might arise in a reasonable person aware of that connection, or those dealings, utterances or other relevant circumstances, as the case may be.

(4) Where a committee member fails to recuse himself or herself from the *Part 2* inquiry pursuant to *subsection (3)*, the member may be removed from the committee in accordance with the rules and standing orders of the House.

(5) Where a committee member ceases to be a committee member by virtue of the operation of this section, the cesser shall not for that reason alone invalidate the proceedings of the *Part 2* inquiry up to the point of such cesser and the inquiry may continue to be conducted without the former committee member.

(6) Where a committee member who is the chairman of the committee is, for whatever reason, temporarily unable to perform the functions of the chairman, the other committee members shall select, from amongst their number, in such manner as they consider appropriate, a committee member to act as the chairman of the committee for the time being.

(7) Where a committee member who is the chairman of the committee ceases to be a committee member by virtue of the operation of this section, or for any other reason, the House shall, by resolution, appoint a chairman from amongst the remaining committee members.

(8) The fact that a member of the House has any connection or dealings with any matter that is the subject of the *Part 2* inquiry shall not of itself mean that a perception of bias might arise in a reasonable person aware of that connection, or those dealings, as the case may be.

Rights of witness to *Part 2* inquiry, etc.

22.— (1) Subject to *Part 5*, a witness to a *Part 2* inquiry has the right to—

(*a*) be accompanied by his or her legal practitioner while giving evidence, and

(*b*) attend and be accompanied by his or her legal practitioner during—

(i) any public session of the inquiry, or

(ii) the giving of evidence by any other witness where, in the opinion of the chairman of the committee conducting the inquiry, that other witness is relevant to the first-mentioned witness.

(2) An officeholder who is the subject of a *section 9* inquiry has the right to attend any session of the inquiry where evidence is being given.

Action to be taken where good name of person is directly impugned.

23.— (1) Where, during the course of the conduct of the *Part 2* inquiry, the chairman of the committee is of the opinion that the good name of a person is being, or is likely to be, directly impugned, in contravention of a provision of this Act, by a witness or committee member, the chairman shall—

(*a*) direct the witness or committee member, as the case may be—

(i) to cease giving the evidence or making the utterance concerned, or

(ii) to not give the evidence or make the utterance concerned,

and

(*b*) if *paragraph (a)(i)* applies, direct that the allegation constituting such impugnment shall not be published.

(2) The privilege against defamation in relation to proceedings before the *Part 2* inquiry shall not apply to a publication by a person (not being a member of a House) of an allegation referred to in *subsection (1)* made by a witness.

Right to good name of person in respect of whom committee is entitled to make finding that directly impugns good name.

24.— (1) Where, during the course of the conduct of the *Part 2* inquiry, the good name of a person is to be, or is likely to be, directly impugned by a witness, and the person is a person against whom the committee is entitled to make a finding directly impugning his or her good name, the person has the right to—

(*a*) be given advance notice in writing of the evidence proposed to be given against him or her in so far as such evidence is reasonably ascertainable,

(*b*) cross-examine the witness (or any other witness who is relevant to such impugnment) for the purpose of challenging the allegation, whether by his or her legal practitioner or otherwise,

(*c*) give evidence to the inquiry to answer the allegation,

(*d*) call witnesses to answer the allegation,

(*e*) make a submission at the close of evidence, and

(*f*) subject to *subsection (2)*, request the committee—

(i) to direct specified persons to attend before the inquiry to give evidence, and

(ii) to procure, by direction, the giving of specified documents to the inquiry.

(2) The committee may comply with a request under *subsection (1)(f)* made to it and shall do so if it considers that, having regard to the requirement to observe fair procedures, it is necessary or expedient to do so.

Other persons identified in evidence.

25.— (1) Where, during the course of the conduct of the *Part 2* inquiry, a person who is not present at the inquiry is referred to by name or in such other manner as to be capable of being identified, the committee shall, if, having regard to the requirement to observe fair procedures, it considers it appropriate to do so, cause a transcript of the relevant part of the proceedings to be given to the person.

(2)(*a*) Where a person referred to in *subsection (1)* is of the opinion that a mistake of fact or misstatement (including a misstatement by the omission of necessary or relevant context) has been made affecting him or her, he or she may, within 14 days after being given the transcript concerned (or within such longer period (if any) as may be specified by the committee), give a statement of evidence in writing and give relevant documents to the committee.

(*b*) The committee may, subject to *subsection (3)*, permit the person referred to in *subsection (1)*, upon his or her request, to correct the statement in such additional manner as the committee considers appropriate in the circumstances having regard to the requirement to observe fair procedures, including by way of—

(i) giving oral evidence, or

(ii) directing other specified persons to give evidence.

(3) The committee may comply with a request under *subsection (2)(b)* and shall do so if it considers that, having regard to the requirement to observe fair procedures, it is necessary or expedient to do so.

Notice of intention to exercise powers under *Part 6* relating to compellability.

26.— (1) Where the committee intends to exercise against a person powers under *Part 6* relating to compellability—

(*a*) it shall give a notice in writing to the person of its intention to so exercise such powers and the proposed extent of such exercise, and

(*b*) inform the person of his or her entitlement under *subsection (2)*, whether by attaching a copy of this section to the notice or otherwise.

(2) A person who has been given a notice under *subsection (1)* shall be entitled to give oral submissions or submissions in writing, or both, to the committee, within 14 days after being given the notice (or within such longer period (if any) as may be specified by the committee), as to whether the powers under *Part 6* relating to compellability should be exercised by the committee against him or her and, if so, to what extent.

(3) The committee shall not exercise against a person powers under *Part 6* relating to compellability until the expiration of the period concerned referred to in *subsection (2)* and after taking into account the submissions (if any) referred to in that subsection given by the person.

Standard of proof.

27.— Where the committee is entitled under this Act to make findings of fact (including a finding that directly impugns the good name of a person or of relevant misbehaviour)—

(*a*) the standard of proof in respect of any such findings is that applicable to civil proceedings, and

(*b*) the committee shall give its reasons in writing for the findings.

Duty to inform witness of committee's powers and to advise witness, etc.

28.— (1) The committee shall, before a person gives evidence to the committee, whether voluntarily or on being directed by the committee to do so—

(*a*) give the person a copy of this Act, and

(*b*) give the person a statement in writing advising the person that, if he or she does not co-operate with the *Part 2* inquiry, or ceases to co-operate with the inquiry, the committee may exercise, in respect of that person, such of its powers set out in this Act as it considers necessary or appropriate.

(2) Where any witness giving evidence in the course of the proceedings of a *Part 2* inquiry gives evidence which the committee is satisfied contradicts evidence previously given in the course of any specified proceedings (in this subsection referred to as the "previous evidence"), the committee shall, as soon as it is practicable to do so, put the previous evidence to the witness.

(3) The committee shall cause the cross-examination of a witness to occur forthwith after the witness has given evidence to the *Part 2* inquiry (including any case where the evidence was given otherwise than in public) unless it is not practicable to do so.

(4) In *subsection (2)* "specified proceedings", in relation to a *Part 2* inquiry, means—

(*a*) the proceedings of the committee conducting the inquiry,

(*b*) the proceedings, of which that committee is aware, of another committee conducting a *Part 2* inquiry,

(*c*) the proceedings, of which that committee is aware, of another committee conducting other committee business, or

(*d*) the proceedings, of which that committee is aware, of a court, tribunal or commission.

Evidence given or sent to committee not admissible in certain proceedings.

29.— (1) None of the following is admissible as evidence against a person in any other proceedings (including disciplinary proceedings) except proceedings in relation to an offence under this Act or the offence of perjury:

(*a*) a statement or admission made by the person to the committee during the course of the *Part 2* inquiry;

(*b*) a document given or sent to the committee pursuant to a direction, under this Act, of the committee to the person;

(*c*) a document specified in an affidavit of documents made by the person and given to the committee pursuant to a direction, under this Act, of the committee;

(*d*) a document created by or for the committee (including any document which is incomplete or in a draft form only) for the purposes of the inquiry;

(*e*) a relevant report.

(2) A document that is otherwise available and was not created for the purposes of the *Part 2* inquiry will not be inadmissible as evidence in any proceedings (including disciplinary proceedings) by virtue of this section.

(3) Subject to provisions in this Act regarding confidentiality, the House may resolve to make documents of the *Part 2* inquiry available to another statutory authority (not being a court or disciplinary body) in accordance with rules and standing orders.

Annotations

Modifications (not altering text):

C1 Reference to perjury construed (28.07.2021) by *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), s. 4(2) and sch. 2 item 53, S.I. No. 378 of 2021.

References to perjury or subornation of perjury

4. ...

(2) A reference in an enactment specified in Schedule 2 to perjury or to subornation of perjury, howsoever described, in relation to an act committed on or after the coming into operation of this subsection, shall be construed as a reference to perjury or to subornation of perjury, as the case may be, within the meaning of this Act.

...

SCHEDULE 2

Section 4 (2)

...

53. Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013, sections 29(1), 75(2), 81(1) and 90(2)

...

Preservation of relevant material.

30.— (1) *subsection (2)* applies to a relevant person and relevant material—

(*a*) upon and after the establishment of a *Part 2* inquiry and regardless of whether the relevant material came into the relevant person's possession or control after the establishment of the inquiry, and

(*b*) before the establishment of the inquiry in circumstances where it can reasonably be inferred that the establishment of the inquiry must have been apprehended by the relevant person.

(2) The relevant person shall preserve the relevant material—

(*a*) until the finalisation of the final report of the *Part 2* inquiry concerned or upon the termination of the inquiry, whichever first occurs, or

(*b*) if, before the final report has been finalised or before the termination of the inquiry—

(i) a tribunal is established to inquire into all or part of the matter the subject of the inquiry, until the tribunal has completed its inquiry, or

(ii) a commission is established to investigate all or part of the matter the subject of the inquiry, until the commission has completed its investigation.

(3) In this section—

"relevant material", in relation to a *Part 2* inquiry, means a document, or other information in any form, relating to any matter within the terms of reference for the inquiry;

"relevant person", in relation to relevant material, means a person who has the relevant material in his or her possession or control.

Inquiry to be held in public.

31.— (1) The taking of evidence during the *Part 2* inquiry shall be conducted in public and may be broadcast to the public except in any case where—

(*a*) the committee is satisfied that it is desirable for the purposes of the inquiry or fair procedures to hear all or part of the evidence of a witness, or matters related to that evidence, otherwise than in public, or

(*b*) the chairman of the committee gives a direction, in the interests of fair procedures, to discontinue the broadcasting or public sitting.

(2) The deliberations of the committee in respect of the inquiry shall be done otherwise than in public unless otherwise determined by the committee.

(3) Privilege against defamation shall not apply to the publication by a person (not being a member of a House) of evidence given, or a deliberation done, otherwise than in public contrary to this section.

Offences — *Part 3*.

32.— (1) A person who provides information to the committee which is false or misleading in a material particular, knowing the information to be so false or misleading or being reckless as to whether it is so false or misleading, is guilty of an offence.

(2) Where a contravention of *section 30* occurs, the person who did the act (or made the omission) concerned knowing that it would result, or being reckless as to whether it would result, in such contravention is guilty of an offence.

(3) A person guilty of an offence under *subsection (1)* or *(2)* is liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 5 years, or both.

PART 4

Reports and Certain Confidential Documents Concerning *Part 2* Inquiries

Final reports.

33.— (1) Subject to *subsections (2)* to *(5)*, the committee shall, on the conclusion of the *Part 2* inquiry, prepare and give to the House a final report in writing, based on the evidence received by the committee, setting out the evidence and the findings of facts (if any), including of relevant misbehaviour, made by the committee in relation to the matter the subject of the inquiry and (if the terms of reference for the inquiry so permit) such recommendations (if any) as the committee considers appropriate.

(2) The committee may omit from the final report any information that identifies or that could reasonably be expected to lead to the identification of a person who gave evidence to the committee or any other person if, in the committee's opinion—

(*a*) disclosure of the information could reasonably be expected to prejudice any criminal proceedings that are pending or in progress in the State or any criminal investigation that is currently being conducted in the State,

(*b*) disclosure of the information would be prejudicial to the *Part 2* inquiry or any subsequent investigation or inquiry (whether under this Act or another Act) that has been commenced before the giving of the final report to the House,

(*c*) it would be prejudicial to the person to have his or her identity made public and the omission of the information would not be prejudicial to the inquiry or any subsequent investigation or inquiry (whether under this Act or another Act) that has been commenced before the giving of the final report to the House,

(*d*) it would not be in the interests of justice to disclose the information, or

(*e*) for any other compelling reason, such information should be omitted.

(3) The references to "findings of fact" and "recommendations" in *subsection (1)* also include references to findings of fact and recommendations covered by an interim report given to the House by the committee.

(4) The committee may, at its discretion, omit from the printed version of the final report any evidence referred to in *subsection (1)* if—

(*a*) the evidence was not given orally to the committee,

(*b*) the committee ensures that the evidence omitted is readily accessible by members of the public (whether by the Internet or otherwise) for not less than 3 years commencing from the publication of the printed version of the final report, and

(*c*) the printed version of the final report clearly states how members of the public may readily have access to the omitted evidence.

(5) Where the committee is a House—

(*a*) the words "and give to the House" shall be deemed to be omitted from *subsection (1)*, and

(*b*) the words "finalisation of the final report" shall be deemed to be substituted for the words "giving of the final report to the House" in *paragraphs (b)* and *(c)* of *subsection (2)*.

Interim reports.

34.— (1) (*a*) Subject to *subsection (3)*, the House may, at any time before it is given the final report, request the committee to give it interim reports in writing in accordance with rules and standing orders.

(*b*) The committee (not being a House) may, at any time before it gives the final report to the House, give the House interim reports in writing in accordance with rules and standing orders.

(2) *Section 33(2)* and *(4)* shall, with all necessary modifications, apply to an interim report as it applies to the final report.

(3) Where the committee is a House, the words "committee may, at any time before it prepares the final report, prepare" shall be deemed to be substituted for the words "House may, at any time before it is given the final report, request the committee to give it" in *subsection (1)(a)*.

Draft of relevant report to be given to certain persons.

35.— (1) Subject to *subsections (2)* and *(3)* and *section 94* (where *paragraph (b)* of *subsection (6)* of that section applies), the committee shall, before finalising a relevant report, give a draft of the report, or the part concerned of the report, to any person—

(*a*) who is named in, or would be identifiable in connection with, or significantly affected by, any proposed finding of fact or recommendation,

(*b*) against whom findings of fact are being made which directly impugn the good name of such person, or

(*c*) who may have provided the committee with information that is commercially sensitive as specified in *section 38(3)*.

(2) The draft report shall set out the findings of fact required by *section 33* or *34*, as the case requires, and recommendations, or such of those facts and recommendations as are relevant to the part concerned of the draft report.

(3) The draft report or part concerned of the draft report shall be accompanied by a notice in writing from the committee specifying the time allowed for making requests in writing under *section 38(1)*, or giving statements under *section 39(1)*, to the committee.

(4) *Sections 36* to *39* shall, with all necessary modifications, apply to a part of a draft report given to a person by the committee under this section as they apply to a draft report given to a person by the committee under this section.

Confidentiality of draft reports.

36.— (1) A person who is given a draft report by the committee under *section 35* shall not disclose it, or divulge in any way that the draft report has been given to that person, other than—

(*a*) with the prior consent in writing of the committee,

(*b*) to the extent necessary for the purposes of an application to the Court, or in any proceedings of the *Part 2* inquiry, or

(*c*) to his or her legal practitioner.

(2) Privilege against defamation shall not apply to a draft report published by a person (not being a member of a House) in contravention of *subsection (1)*.

Confidentiality of other documents.

37.— (1) A person who is given a document (not being a draft report under *section 35*) by the committee relating to the *Part 2* inquiry where the committee has indicated that the document is confidential shall not disclose it, or divulge in any way that the document has been given to that person, other than—

(*a*) with the prior consent in writing of the committee,

(*b*) to the extent necessary for the purposes of an application to the Court, or in any proceedings of the *Part 2* inquiry, or

(*c*) to his or her legal practitioner.

(2) Privilege against defamation shall not apply to a document published by a person (not being a member of a House) in contravention of *subsection (1)*.

Preserving confidentiality of commercially sensitive information.

38.— (1) A person who is given a draft report by the committee under *section 35* may, within a period specified by the committee, request in writing the committee to omit from the draft report any information provided by the person to the committee—

(*a*) that the person considers to be commercially sensitive, and

(*b*) the disclosure of which is not, in the person's opinion, necessary for the purposes of the *Part 2* inquiry.

(2) The committee, after considering a request under *subsection (1)* made to it, shall review the draft report and may, if satisfied that the information is commercially sensitive and that its disclosure is not necessary for the purposes of the *Part 2* inquiry, omit the information from the report.

(3) For the purposes of this section, information is commercially sensitive if its disclosure could reasonably be expected to—

(*a*) substantially and materially prejudice the commercial or industrial interests of—

(i) the person who provided that information to the committee,

(ii) the person to whom the information relates, or

(iii) a class of persons in which a person referred to in *subparagraph (i)* or *(ii)* falls,

(*b*) substantially prejudice the competitive position of a person in the conduct of the person's business, profession or occupation, or

(*c*) substantially prejudice the financial position of the State or a public body.

Amending draft reports.

39.— (1) A person who is given a draft report by the committee under *section 35* and who believes that—

(*a*) the committee has not observed fair procedures in the course of the conduct of the *Part 2* inquiry in relation to him or her,

(*b*) the committee proposes to make a finding which is incorrect, misleading or irrelevant to the terms of reference for the inquiry and it is a finding in which he or she is concerned,

(*c*) the committee proposes to make a recommendation in which he or she is concerned which is inappropriate having regard to the evidence heard,

(*d*) a matter ought to have been omitted under *section 38*, or

(*e*) in any other respect the draft report does not comply with this Act,

may, within 14 days after he or she has been given the draft report (or such longer period (if any) as may be specified by the committee), give to the committee a statement in writing setting out the reasons for that belief and requesting the committee to review the draft report having regard to the statement.

(2) The committee, after considering a statement given under *subsection (1)* to it and reviewing the draft report, may hear further evidence if it considers it appropriate to do so, and having heard such evidence (if any) as it considers appropriate, shall—

(*a*) amend the draft report, including by omitting any part of the draft report based on evidence received without observing fair procedures, or

(*b*) decline to make any amendments to the draft report.

(3) The committee shall, before preparing a relevant report, give a notice in writing of its decision under *subsection (2)* to any person concerned, including particulars of any amendments made under this section to any person who is concerned in the amendments.

(4) Subject to *section 94* (in any case where *paragraph (b)* of *subsection (6)* of that section applies), the committee shall not finalise a relevant report before the expiry of 21 days after the date on which all notices under *subsection (3)* that are required to be given have been given to the persons concerned.

Publication of final report and interim reports.

40.— (1) Subject to *subsection (2)* and *section 95*, the House—

(*a*) shall resolve that a final report given to it be published as soon as possible after it is so given, and

(*b*) may, at its discretion, resolve that an interim report given to it be published unless publication would hinder or impair the *Part 2* inquiry.

(2) Where the committee is a House—

(*a*) the word "committee" shall be deemed to be substituted for the word "House" in *subsection (1)*,

(*b*) the words "prepared by it be published as soon as possible after the report is finalised" shall be deemed to be substituted for the words "given to it be published as soon as possible after it is so given" in *paragraph (a)* of *subsection (1)*, and

(*c*) the words "prepared by" shall be deemed to be substituted for the words "given to" in *paragraph (b)* of *subsection (1)*.

Offences — *Part 4*.

41.— (1) A person who contravenes *section 36(1)* is guilty of an offence.

(2) Any person, in addition to the person to whom a draft report was given under *section 34*, who publishes the draft report is guilty of an offence, regardless of how he or she acquired the draft report or its content.

(3) In any proceedings of a court relating to *subsection (1)* or *(2)*, the court may order that all or part of such proceedings be held otherwise than in public, or may impose restrictions with regard to the disclosure in open court, publication or reporting of all or part of the content of the draft report concerned.

(4) A person who contravenes *section 37(1)* is guilty of an offence.

(5) Any person, in addition to the person to whom a document referred to in *section 37(1)* was given, who publishes the document is guilty of an offence, regardless of how he or she acquired the document or its content.

(6) In any proceedings of a court relating to *subsection (4)* or *(5)*, the court may order that all or part of such proceedings be held otherwise than in public, or may impose restrictions with regard to the disclosure in open court, publication or reporting of the document concerned.

(7) A person guilty of an offence under *subsection (1)*, *(2)*, *(4)* or *(5)* is liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 5 years, or both.

PART 5

Part 2 Inquiry Legal Costs, *Part 2* Inquiry Expenses and Private Bill Legal Costs

Chapter 1

Definitions, estimate of Part 2 inquiry legal costs and Part 2 inquiry expenses and parliamentary legal costs adjudicators

Definitions — *Part 5*.

42.— In this Part—

"certificate of costs", in relation to *Chapter 2*, means a certificate of costs referred to in *section 52(1)* and, in relation to *Chapter 4*, means a certificate of costs referred to in *section 61(1)*;

"legal costs accountant" means a person who has regularly participated in the preparation and presentation of bills of costs on behalf of legal practitioners for taxation (or equivalent) of legal costs and has regularly attended before a Taxing Master (or equivalent) of such bills of costs;

"parliamentary legal costs adjudicator" means a legal costs accountant appointed under *section 44(2)* to carry out an adjudication referred to in *section 51(1)*, *57(3)* or *58(3)*;

"*Part 2* inquiry expenses", in relation to a *Part 2* inquiry, means expenses incurred that arise from the inquiry and that are not *Part 2* inquiry legal costs, and include such expenses incurred by a witness to, or other person affected by, the inquiry;

"*Part 2* inquiry legal costs", in relation to a *Part 2* inquiry, means fees, charges, disbursements and other costs incurred that arise from the inquiry and that are for services of a legal nature provided by a legal practitioner;

"petitioner", in relation to a private bill, means a person who, in accordance with such rules and standing orders (if any) as may be made for the purpose, submits to a House or committee a petition opposing the private bill or a provision of the private bill;

"private bill" means a bill promoted for the particular interest or benefit of a person, or which interferes with the private property of a person (otherwise than in the interest of the public generally and as a measure of public policy), and includes—

(*a*) a bill for the confirmation of a provisional order or other order,

(*b*) a public bill which is treated as subject to the rules and standing orders made jointly by Dáil Éireann and Seanad Éireann relative to private business, and

(*c*) a bill in the nature of a bill for a local and personal Act;

"private bill legal costs" means—

(*a*) private bill legal costs (petitioner), or

(*b*) private bill legal costs (promoter);

"private bill legal costs (petitioner)", in relation to a private bill, means fees, charges, disbursements and other costs incurred by the petitioner that arise from opposition to the private bill and that are for services of a legal nature provided by a legal practitioner;

"private bill legal costs (promoter)", in relation to a private bill, means fees, charges, disbursements and other costs incurred by the promoter that arise from the promotion of the private bill and that are for services of a legal nature provided by a legal practitioner;

"promoter", in relation to a private bill, means the applicant in the application for the private bill and, in the case of a private bill which is not being promoted by a body corporate, includes—

(*a*) a person named in the private bill as a promoter of it, and

(*b*) a body corporate which would, if the provisions of the private bill were in force, be incorporated as a result;

"provisional order" means an order or scheme made under, and requiring confirmation by, an Act of the Oireachtas;

"specified", in relation to a form or document, means specified under *section 63*;

"Taxing Master" means a Taxing Master of the Court.

Estimate of sum of *Part 2* inquiry legal costs and *Part 2* inquiry expenses.

43.— (1) Subject to *subsection (2)*, as soon as may be after a resolution referred to in *section 13(1)* has been passed in respect of a *Part 2* inquiry (or, in the case of a *Part 2* inquiry which is a *section 16* inquiry, as soon as may be after *section 16* applies and the committee that is to conduct the *section 16* inquiry is identified), the committee shall prepare a report, to be placed before the House, containing an estimate, having regard to the guidelines (if any) issued under *section 46*, of the sum of *Part 2* inquiry legal costs and *Part 2* inquiry expenses to be incurred in conducting the inquiry.

(2) Where the committee is a House, the words "the chairman of" shall be deemed to be inserted in *subsection (1)* after the words "is identified),".

Parliamentary legal costs adjudicator.

44.— (1) The Minister shall establish a panel of legal costs accountants willing and able to act as a parliamentary legal costs adjudicator where *section 51(1)*, *57(3)* or *58(3)* applies.

(2) Where *section 51(1)*, *57(3)* or *58(3)* applies, the Minister may, at the request in writing of the Oireachtas Commission, appoint, from amongst the panel of legal costs accountants established under *subsection (1)*, a legal costs accountant to carry out an adjudication referred to in that section.

(3) Subject to *subsection (4)*, a parliamentary legal costs adjudicator shall be paid such fees for his or her services as a parliamentary legal costs adjudicator as are specified in writing by the Minister, either generally or in any particular case.

(4) The fees referred to in *subsection (3)* shall form part of the expenses of the Oireachtas Commission.

Powers of parliamentary legal costs adjudicator.

45.— For the purposes of any adjudication under this Part, a parliamentary legal costs adjudicator may—

(*a*) examine under oath any party to such adjudication, and any witnesses who may be examined in relation thereto,

(*b*) receive any sworn affidavit, or

(*c*) call for the production of any document in the possession or control of any party to such adjudication relevant to the matters of such adjudication.

Chapter 2

Part 2 inquiry legal costs

Oireachtas Commission to issue guidelines in respect of *Part 2* inquiry legal costs.

46.— (1) The Oireachtas Commission may, after consultation with a Taxing Master and bodies representative of legal practitioners or of legal costs accountants, and such other persons as it considers appropriate, prepare and issue guidelines for the information of witnesses and other persons affected by *Part 2* inquiries in respect of the recoupment of the *Part 2* inquiry legal costs incurred in relation to *Part 2* inquiries, and such guidelines may provide for one or more than one of the following:

(*a*) setting out general principles governing the payment of such costs consistent with the effective and efficient conduct of the inquiry;

(*b*) restricting the types of services, persons or other matters in respect of which payment may be made;

(*c*) setting maximum amounts in relation to the payment for one or more types of services or other matters.

(2) A parliamentary legal costs adjudicator may on any adjudication of a signed bill of costs referred to in *section 51(2)(a)* allow all fair and reasonable *Part 2* inquiry legal costs in respect of any matters not included in the guidelines prepared and issued pursuant to this section.

Third party *Part 2* inquiry legal costs in proceedings of *Part 2* inquiry.

47.— (1) Subject to *subsection (3)*, a witness whose good name is or may be directly impugned in the *Part 2* inquiry may apply in the specified form to the Oireachtas Commission for an order that the witness be entitled, subject to the guidelines (if any) issued under *section 46*, to the recoupment of the *Part 2* inquiry legal costs incurred by him or her in relation to the inquiry.

(2) An application under *subsection (1)* shall not, in the absence of exceptional circumstances, be decided upon until—

(*a*) after the final report of the committee has been finalised, or

(*b*) after the termination of the inquiry,

whichever first occurs.

(3) An application under *subsection (1)* may be refused in whole or in part if the circumstances referred to in *section 48(1)* or *(4)* apply.

(4)(*a*) A person may, at any time, apply to the committee for a determination as to whether he or she is a person whose good name is or may be directly impugned in the *Part 2* inquiry.

(*b*) The committee shall—

(i) determine an application referred to in *paragraph (a)* as soon as is practicable after receiving it, and

(ii) cease to further inquire into the person who made the application until it has given the person a notice in writing of its determination.

Award of *Part 2* inquiry legal costs against third parties.

48.— (1) Subject to the guidelines (if any) issued under *section 46* and to *section 96(1)* and *(2)*, where the Oireachtas Commission believes, on the basis of the final report of the committee after it has been finalised by the committee, that the committee has incurred *Part 2* inquiry legal costs that the committee would not otherwise have incurred as a result of a person—

(*a*) failing, without reasonable excuse, to comply with any direction under this Act,

(*b*) failing, without reasonable excuse, to comply with a requirement that the committee was entitled to issue,

(*c*) engaging in conduct that is unreasonably prolix, dilatory or evasive or which otherwise results in the *Part 2* inquiry being needlessly prolonged or in unnecessary *Part 2* inquiry legal costs being incurred,

(*d*) acting in a manner that has resulted in a finding of relevant misbehaviour being made in respect of him or her, or

(*e*) otherwise obstructing the inquiry,

the Oireachtas Commission may give a notice in writing to the person setting out that belief and the grounds for that belief and stating that, if one or more of those grounds are confirmed by the Court under *section 96(2)*, the Oireachtas Commission intends to exercise its power under *subsection (2)* relating to the recoupment of such costs so incurred relating to those grounds so confirmed (including such costs arising from any delay in completing the *Part 2* inquiry).

(2) Where under *section 96(2)* the Court has confirmed any grounds referred to in *subsection (1)*, the Oireachtas Commission may make a request in writing (which request shall be accompanied by the relevant documents) to the person to whom those grounds so confirmed relate to pay to the Oireachtas Commission, not later than 60 days after the request is made, the amount specified in the request, being the *Part 2* inquiry legal costs that the Oireachtas Commission believes that the committee has incurred relating to those grounds so confirmed.

(3) Where the person the subject of a request under *subsection (2)*—

(*a*) fails to comply with the request within the 60 days referred to in that subsection, or

(*b*) gives a notice in writing to the Oireachtas Commission that he or she objects to the amount specified in the request,

whichever first occurs, the Oireachtas Commission shall cause the *Part 2* inquiry legal costs concerned to be adjudicated and ascertained by a parliamentary legal costs adjudicator (and, in any such case, the parliamentary legal costs adjudicator shall not be bound to treat the amount specified in the request as a maximum for the purposes of such adjudication and ascertainment).

(4) Subject to the guidelines (if any) issued under *section 46*, *subsection (8)* and *section 96(1)* and *(2)*, where the Oireachtas Commission believes, on the basis of the final report of the committee after it has been finalised by the committee, that a person (in this section referred to as the "aggrieved person") who has attended before or given evidence to the committee is adversely affected as a result of an act or omission referred to in any of *paragraphs (a)* to *(e)* of *subsection (1)* such that the aggrieved person has incurred *Part 2* inquiry legal costs that would not otherwise have been incurred but for that act or omission, the Oireachtas Commission may, at the request in the specified form of the aggrieved person, give a notice in writing to the person, whose act or omission had that result, setting out that belief and the grounds for that belief and stating that, if one or more of those grounds are confirmed by the Court under *section 96(2)*, the Oireachtas Commission intends to exercise its power under *subsection (5)* relating to the recoupment, on behalf of the aggrieved person, of such costs so incurred relating to those grounds so confirmed.

(5) Where under *section 96(2)* the Court has confirmed any grounds referred to in *subsection (4)*, the Oireachtas Commission may make a request in writing (which request shall be accompanied by the relevant documents) to the person to whom those grounds relate to pay to the aggrieved person, not later than 60 days after the request is made, the amount specified in the request, being the *Part 2* inquiry legal costs that the Oireachtas Commission believes that the aggrieved person has incurred relating to those grounds so confirmed.

(6) Where the person the subject of a request under *subsection (5)*—

(*a*) fails to comply with the request within the 60 days referred to in that subsection, or

(*b*) gives a notice in writing to the Oireachtas Commission that he or she objects to the amount specified in the request,

whichever first occurs, the Oireachtas Commission shall cause the *Part 2* inquiry legal costs concerned to be adjudicated and ascertained by a parliamentary legal costs adjudicator (and, in any such case, the parliamentary legal costs adjudicator shall not be bound to treat the amount specified in the request as a maximum for the purposes of such adjudication and ascertainment).

(7) A person may be requested to pay *Part 2* inquiry legal costs under this section even though the act or omission that resulted in the request is punishable as contempt or as an offence against a provision of this Act or otherwise renders the person liable to civil proceedings under this Act, and the request shall not prevent the person being

punished for contempt or the bringing of proceedings in respect of the offence or the act or omission concerned.

(8) Subject to *section 96(5)* and *(6)*, where a request in the specified form referred to in *subsection (4)* is made to the Oireachtas Commission by the aggrieved person—

(*a*) it shall, not later than 45 days after the request is made, give a notice in writing to the aggrieved person of what action (which may be no action) it proposes to take in respect of the request and its reasons for such action, and

(*b*) if, as a result of that request, the Oireachtas Commission gives a notice referred to in *subsection (4)* or makes a request under *subsection (5)*, it shall, at the same time as it gives the notice or makes the request, as the case may be, give a copy of it to the aggrieved person.

(9) The requests as to *Part 2* inquiry legal costs which the Oireachtas Commission may make under this section include a request that a person shall pay any or any combination of the following:

(*a*) a proportion of another person's such costs;

(*b*) a stated amount in respect of another person's such costs;

(*c*) such costs from or until a certain date only or in respect of a specified period;

(*d*) such costs incurred after the resolution referred to in *section 13(1)* in respect of the *Part 2* inquiry was passed but before the inquiry commenced or, in the case of a *Part 2* inquiry which is a *section 16* inquiry, after *section 16* applies and the committee that is to conduct the *section 16* inquiry was identified but before the *section 16* inquiry commenced;

(*e*) such costs relating to particular steps taken in or in relation to the inquiry by the committee;

(*f*) such costs relating only to a distinct part of the *Part 2* inquiry;

(*g*) interest on such costs from or until a certain date or in respect of a specified period.

(10) In this section "relevant documents", in relation to an amount specified in a request under *subsection (2)* or *(5)*, means—

(*a*) a signed bill of costs, prepared in accordance with the guidelines (if any) issued under *section 46*, showing how that amount was calculated,

(*b*) a copy of this Part,

(*c*) a copy of *Part 9*,

(*d*) a copy of the guidelines issued under *section 46*, and

(*e*) a copy of the order of the Court under *section 96(2)* making the confirmation concerned.

Payment by Oireachtas Commission of *Part 2* inquiry legal costs, etc.

49.— (1) Any *Part 2* inquiry legal costs granted under this Chapter (other than such costs granted under *section 48*) shall be paid by the Oireachtas Commission as such costs are agreed between the Oireachtas Commission and the person to whom the costs are granted or, in the absence of such agreement, as adjudicated and ascertained by a parliamentary legal costs adjudicator.

(2) The Oireachtas Commission may request in writing the State Claims Agency to assist it in reaching an agreement referred to in *subsection (1)*.

Proceedings for recoupment of *Part 2* inquiry legal costs.

50.— Subject to *section 97*, a person shall not initiate proceedings for the recoupment of any *Part 2* inquiry legal costs awarded under this Chapter until the expiration of the later of—

(*a*) 3 months following delivery by the person of a signed bill of costs referred to in *section 51(2)(a)* upon the person to be charged, or

(*b*) if the bill of costs is referred for adjudication under *section 51(1)* during the 3 months referred to in *paragraph (a)*, until they are finally certified.

Application for assessment of *Part 2* inquiry legal costs.

51.— (1) Subject to *subsection (7)*, a party to whom payment of *Part 2* inquiry legal costs under this Chapter is due, or a party who has been charged with, but who objects to, the *Part 2* inquiry legal costs as stated in a bill of costs referred to in this Chapter, may apply in the specified form to the Oireachtas Commission, not later than 3 months after *subsection (2)(a)* has been complied with in respect of that bill of costs, for an adjudication of such costs by a parliamentary legal costs adjudicator.

(2)(*a*) An application under *subsection (1)* may only be made once a signed bill of costs has been delivered to the party to be charged with the costs.

(*b*) The delivery of a bill of costs referred to in *paragraph (a)* may be effected by ordinary prepaid post or by delivery to the solicitor of the person or, if the person is not represented by a solicitor, by ordinary prepaid post to the person's dwelling or place of employment.

(3) An application under *subsection (1)* shall be accompanied by a certified true copy of the bill of costs.

(4) In circumstances where due notice was given and the solicitor or other person, or his or her representative, fails to attend the adjudication, a parliamentary legal costs adjudicator may proceed to adjudicate on and settle the bill of costs.

(5) Pending adjudication, any proceedings brought to recover the *Part 2* inquiry legal costs shall be stayed until such costs have been certified under *section 52*.

(6) A parliamentary legal costs adjudicator shall, on completion of the assessment in accordance with the guidelines (if any) issued under *section 46*, deliver to the parties an assessment of costs in writing.

(7) Where *section 48(3)* or *(6)* applies to a person the subject of a request under *section 48(2)* or *(5)*, as the case may be, the Oireachtas Commission shall act under *subsection (1)* as if the person had made an application referred to in that subsection in respect of the *Part 2* inquiry legal costs concerned, and the other provisions of this section shall, with all necessary modifications, be construed accordingly.

Certificate of costs.

52.— (1) Following an assessment under *section 51* where no question of law has been referred to the Court under *section 98* or, if such a reference has been made, the reference has been withdrawn or abandoned or determined by the Court, on application by the party concerned, the Oireachtas Commission shall issue a certificate of costs.

(2) The certificate of costs shall be treated for the purposes of any proceedings as evidence of—

(*a*) the matters to which the *Part 2* inquiry legal costs relate,

(*b*) the amount of *Part 2* inquiry legal costs allowed on the assessment, and

(*c*) how much of that amount is, as at the date of the certificate, outstanding.

(3) Where in proceedings to recover costs certified under this section, the respondent states, whether in writing or otherwise, that he or she is not liable to pay such costs (or part of such costs), the certificate of costs is to be treated for the purposes of any

proceedings as evidence only of such amount (if any) as the claimant may recover from the respondent as a result of the first-mentioned proceedings.

(4) At any time after the issue of a certificate of costs, the party entitled to an adjudicated bill of costs may demand the full certified amount thereof, from one or more persons liable to the payment.

(5) Following a demand by a person under *subsection (4)* for payment of an adjudicated bill of costs, where no payment is made to the person, he or she may recover the same as a simple contract debt in any court of competent jurisdiction.

(6) In the case of a certificate of costs requiring more than one person to be liable for a specified sum, any person from whom the amount of costs or sum certified under this section has been recovered or is to be recovered may claim from the other persons, or any of them, who are liable to the payment of such costs or sum certified a proportionate share thereof, according to the number of persons so liable, and according to the extent of the liability of each person.

Chapter 3

Part 2 inquiry expenses

Oireachtas Commission to issue guidelines in respect of *Part 2* inquiry expenses.

53.— (1) The Oireachtas Commission may, after consultation with such persons as it considers appropriate, prepare and issue guidelines for the information of witnesses and other persons affected by *Part 2* inquiries in respect of the recoupment of the *Part 2* inquiry expenses incurred in relation to *Part 2* inquiries, and such guidelines may provide for one or more than one of the following:

(*a*) setting out general principles governing the payment of such expenses;

(*b*) restricting the types of matters for which payment may be made;

(*c*) setting maximum amounts in relation to the payment for one or more types of matters;

(*d*) the documentary evidence required to show that such expenses have been so incurred.

(2) The Oireachtas Commission may allow all reasonable *Part 2* inquiry expenses in respect of any matters not included in the guidelines prepared and issued pursuant to this section.

Payment by Oireachtas Commission of *Part 2* inquiry expenses.

54.— (1) Subject to the guidelines (if any) issued under *section 53*, a witness in, or other person affected by, the proceedings of a *Part 2* inquiry may apply in the specified form to the Oireachtas Commission to be paid the *Part 2* inquiry expenses incurred by him or her.

(2) Subject to the guidelines (if any) issued under *section 53* and to *section 67(3)*, the Oireachtas Commission may pay, out of moneys provided by the Oireachtas, the reasonable *Part 2* inquiry expenses the subject of an application under *subsection (1)*.

(3) An application under *subsection (1)* may be refused in whole or in part if the circumstances referred to in *section 55(1)* or *(2)* apply.

Award of *Part 2* inquiry expenses against third parties, etc.

55.— (1) Subject to *section 96(3)* and *(4)*, where the Oireachtas Commission believes that the committee has incurred *Part 2* inquiry expenses that the committee would not otherwise have incurred as a result of a person—

(*a*) failing, without reasonable excuse, to comply with any direction under this Act,

(*b*) failing, without reasonable excuse, to comply with a requirement that the committee was entitled to issue,

(*c*) engaging in conduct that is unreasonably prolix, dilatory or evasive or which otherwise results in the *Part 2* inquiry being needlessly prolonged or in unnecessary *Part 2* inquiry expenses being incurred,

(*d*) acting in a manner that has resulted in a finding of relevant misbehaviour being made in respect of him or her, or

(*e*) otherwise obstructing the inquiry,

the Oireachtas Commission may, after the finalisation of the final report, direct in writing (which direction shall be accompanied by the relevant documents) the person to pay to the Oireachtas Commission such expenses (including such expenses arising from any delay in completing the *Part 2* inquiry).

(2) Subject to the guidelines (if any) issued under *section 53*, *subsection (5)* and *section 96(3)* and *(4)*, where the Oireachtas Commission believes that a person (in this section referred to as the"aggrieved person") who has attended before or given evidence to the committee is adversely affected as a result of an act or omission referred to in any of *paragraphs (a)* to *(e)* of *subsection (1)* such that the aggrieved person has incurred *Part 2* inquiry expenses that would not otherwise have been incurred but for that act or omission, the Oireachtas Commission may, after the finalisation of the final report and at the request in the specified form of the aggrieved person, direct in writing (which direction shall be accompanied by the relevant documents) the person whose act or omission had that result to pay to the aggrieved person such expenses.

(3) Subject to *section 96(3)* and *(4)*, any sum payable pursuant to a direction under *subsection (1)* or *(2)* may be recovered as a simple contract debt in any court of competent jurisdiction.

(4) A person may be directed to pay *Part 2* inquiry expenses under this section even though the act or omission that resulted in the direction is punishable as contempt or as an offence against a provision of this Act or otherwise renders the person liable to civil proceedings under this Act, and the direction shall not prevent the person being punished for contempt or the bringing of proceedings in respect of the offence or the act or omission concerned.

(5) Subject to *section 96(5)* and *(6)*, where a request in the specified form under *subsection (2)* is made to the Oireachtas Commission by the aggrieved person—

(*a*) it shall, not later than 45 days after the request is made, give a notice in writing to the aggrieved person of what action (which may be no action) it proposes to take in respect of the request and its reason for such action, and

(*b*) if, as a result of that request, the Oireachtas Commission gives a direction referred to in *subsection (2)*, it shall, at the same time as it gives the direction, give a copy of it to the aggrieved person.

(6) The directions as to *Part 2* inquiry expenses which the Oireachtas Commission may give under this section include a direction that a person shall pay any or any combination of the following:

(*a*) a proportion of another person's such expenses;

(*b*) a stated amount in respect of another person's such expenses;

(*c*) such expenses from or until a certain date only or in respect of a specified period;

(*d*) such expenses incurred after the resolution referred to in *section 13(1)* in respect of the *Part 2* inquiry was passed but before the inquiry commenced or, in the case of a *Part 2* inquiry which is a *section 16* inquiry, after *section 16* applies and the committee that is to conduct the *section 16* inquiry was identified but before the *section 16* inquiry commenced;

(*e*) such expenses relating to particular steps taken in or in relation to the inquiry by the committee;

(*f*) such expenses relating only to a distinct part of the *Part 2* inquiry;

(*g*) interest on such expenses from or until a certain date or in respect of a specified period.

(7) In this section "relevant documents", in relation to *Part 2* inquiry expenses specified in a direction under *subsection (1)* or *(2)*, means—

(*a*) in the case of a direction under *subsection (1)*, a breakdown of the matters in respect of which such expenses were incurred and the amount of such expenses attributable to each such matter,

(*b*) in the case of a direction under *subsection (2)*, a breakdown, prepared in accordance with the guidelines (if any) issued under *section 53*, of the matters in respect of which such expenses were incurred and the amount of such expenses attributable to each such matter,

(*c*) a copy of this Part,

(*d*) a copy of *Part 9* ,

(*e*) a copy of the guidelines (if any) issued under *section 53*, and

(*f*) a copy of the order of the Court under *section 96(3)* making the confirmation concerned.

Chapter 4

Private bill legal costs

Oireachtas Commission to issue guidelines in respect of private bill legal costs.

56.— (1) The Oireachtas Commission may, after consultation with a Taxing Master and bodies representative of legal practitioners or of legal costs accountants, and such other persons as it considers appropriate, prepare and issue guidelines for the information of promoters and petitioners in respect of the recoupment of private bill legal costs, and such guidelines may provide for one or more than one of the following:

(*a*) setting out general principles governing the payment of such costs consistent with the effective and efficient conduct of proceedings of the Oireachtas on private bills;

(*b*) restricting the types of services, persons or other matters in respect of which payment may be made;

(*c*) setting maximum amounts in relation to the payment for one or more types of services or other matters.

(2) A parliamentary legal costs adjudicator may on any adjudication of a signed bill of costs referred to in *section 60(1)(a)* allow all fair and reasonable private bill legal costs in respect of any matters not included in the guidelines prepared and issued pursuant to this section.

Awarding of private bill legal costs (promoter) to promoters.

57.— (1) Subject to the guidelines (if any) issued under *section 56*, *subsections (4)* and *(6)* and *section 96(1)* and *(2)*, where, in proceedings of the Oireachtas on a private bill—

(*a*) a committee decides that the preamble to the private bill is proved, and

(*b*) the committee has given the promoter a notice in writing stating—

(i) that the committee believes that the promoter has been vexatiously exposed to private bill legal costs (promoter) as a result of opposition to the private bill by a petitioner, and

(ii) setting out the grounds for that belief,

the Oireachtas Commission shall, at the request in the specified form of the promoter, give a copy of that notice to the petitioner together with a notice in writing (in this section referred to as the "relevant notice") by the Oireachtas Commission stating that, if one or more of those grounds are confirmed by the Court under *section 96(2)*, the Oireachtas Commission intends to exercise its power under *subsection (2)* relating to the recoupment, on behalf of the promoter, of such costs so incurred relating to those grounds so confirmed.

(2) Where under *section 96(2)* the Court has confirmed any grounds referred to in *subsection (1)*, the Oireachtas Commission may make a request in writing (which request shall be accompanied by the relevant documents) to the petitioner to whom those grounds relate to pay to the promoter, not later than 60 days after the request is made, the amount specified in the request, being the private bill legal costs (promoter) that the Oireachtas Commission believes that the promoter has incurred relating to those grounds so confirmed.

(3) Where the petitioner the subject of a request under *subsection (2)*—

(*a*) fails to comply with the request within the 60 days referred to in that subsection, or

(*b*) gives a notice in writing to the Oireachtas Commission that he or she objects to the amount specified in the request,

whichever first occurs, the Oireachtas Commission shall cause the private bill legal costs (promoter) concerned to be adjudicated and ascertained by a parliamentary legal costs adjudicator (and, in any such case, the parliamentary legal costs adjudicator shall not be bound to treat the amount specified in the request as a maximum for the purposes of such adjudication and ascertainment).

(4) A petitioner who owns an interest in property and who, at his or her own risk and cost, opposed a private bill which proposed the acquisition of all or any part of that interest shall not be liable to pay any private bill legal costs (promoter) under this section in respect of such opposition.

(5) A petitioner may be requested to pay private bill legal costs (promoter) under this section even though the vexatious behaviour that resulted in the request is punishable as a contempt or as an offence against a provision of this Act or otherwise renders the petitioner liable to civil proceedings under this Act, and the request shall not prevent the petitioner being punished for contempt or the bringing of proceedings in respect of the offence or vexatious behaviour concerned.

(6) Where a request in the specified form under *subsection (1)* is made to the Oireachtas Commission by the promoter—

(*a*) it shall, at the same time as it gives the relevant notice to the petitioner, give a copy of it to the promoter, and

(*b*) in any case where the request results in the Oireachtas Commission making a request under *subsection (2)*, it shall, at the same time as it gives the second-mentioned request to the petitioner, give a copy of it to the promoter.

(7) The requests as to private bill legal costs (promoter) which the Oireachtas Commission may make under this section include a request that a petitioner shall pay any or any combination of the following:

(*a*) a proportion of the promoter's such costs;

(*b*) a stated amount in respect of the promoter's such costs;

(*c*) such costs from or until a certain date only or in respect of a specified period;

(*d*) such costs relating to particular steps taken in relation to the private bill;

(*e*) interest on such costs from or until a certain date or in respect of a specified period.

(8) In this section "relevant documents", in relation to an amount specified in a request under *subsection (2)*, means—

(*a*) a signed bill of costs, prepared in accordance with the guidelines (if any) issued under *section 56*, showing how that amount was calculated,

(*b*) a copy of this Part,

(*c*) a copy of *Part 9* ,

(*d*) a copy of the guidelines (if any) issued under *section 56*, and

(*e*) a copy of the order of the Court under *section 96(2)* making the confirmation concerned.

Awarding of private bill legal costs (petitioner) to petitioners.

58.— (1) Subject to the guidelines (if any) issued under *section 56*, *subsection (5)* and *section 96(1)* and *(2)*, where, in proceedings of the Oireachtas on a private bill—

(*a*) a committee decides—

(i) that the preamble to the private bill has not been proved, or

(ii) to amend the private bill in order to protect a petitioner,

and

(*b*) the committee has given a petitioner (in this section referred to as the "relevant petitioner") a notice in writing stating—

(i) that the committee believes that the relevant petitioner has been unreasonably exposed to costs in defending his or her rights with which the private bill proposes to interfere, and

(ii) setting out the grounds for that belief,

the Oireachtas Commission shall, at the request in the specified form of the relevant petitioner, give a copy of that notice to the promoter together with a notice in writing (in this section referred to as the "relevant notice") by the Oireachtas Commission stating that, if one or more of those grounds are confirmed by the Court under *section 96(2)*, the Oireachtas Commission intends to exercise its power under *subsection (2)* relating to the recoupment, on behalf of the relevant petitioner, of such costs relating to those grounds so confirmed.

(2) Where under *section 96(2)* the Court has confirmed any grounds referred to in *subsection (1)*, the Oireachtas Commission may make a request in writing (which request shall be accompanied by the relevant documents) to the promoter to whom

those grounds relate to pay to the relevant petitioner, not later than 60 days after the request is made, the amount specified in the request, being the private bill costs (petitioner) that the Oireachtas Commission believes that the relevant petitioner has incurred relating to those grounds so confirmed.

(3) Where the promoter the subject of a request under *subsection (2)*—

(*a*) fails to comply with the request within the 60 days referred to in that subsection, or

(*b*) gives a notice in writing to the Oireachtas Commission that he or she objects to the amount specified in the request,

whichever first occurs, the Oireachtas Commission shall cause the private bill legal costs (petitioner) concerned to be adjudicated and ascertained by a parliamentary legal costs adjudicator (and, in any such case, the parliamentary legal costs adjudicator shall not be bound to treat the amount specified in the request as a maximum for the purposes of such adjudication and ascertainment).

(4) A promoter may be requested to pay private bill legal costs (petitioner) under this section even though the unreasonable behaviour that resulted in the request is punishable as a contempt or as an offence against a provision of this Act or otherwise renders the petitioner liable to civil proceedings under this Act, and the request shall not prevent the promoter being punished for contempt or the bringing of proceedings in respect of the offence or unreasonable behaviour concerned.

(5) Where a request in the specified form under *subsection (1)* is made to the Oireachtas Commission by the relevant petitioner—

(*a*) it shall, at the same time as it gives the relevant notice to the promoter, give a copy of it to the relevant petitioner, and

(*b*) in any case where the request results in the Oireachtas Commission making a request under *subsection (2)*, it shall, at the same time as it gives the second-mentioned request to the promoter, give a copy of it to the relevant petitioner.

(6) The requests as to private bill legal costs (petitioner) which the Oireachtas Commission may make under this section include a request that a promoter shall pay any or any combination of the following:

(*a*) a proportion of the relevant petitioner's such costs;

(*b*) a stated amount in respect of the relevant petitioner's such costs;

(*c*) such costs from or until a certain date only or in respect of a specified period;

(*d*) such costs relating to particular steps taken in relation to the private bill;

(*e*) interest on such costs from or until a certain date or in respect of a specified period.

(7) In this section "relevant documents" in relation to an amount specified in a request under *subsection (2)*, means—

(*a*) a signed bill of costs, prepared in accordance with the guidelines (if any) issued under *section 56*,

(*b*) a copy of this Part,

(*c*) a copy of *Part 9* ,

(*d*) a copy of the guidelines (if any) issued under *section 56*, and

(*e*) a copy of the order of the Court under *section 96(2)* making the confirmation concerned.

Proceedings for recoupment of private bill legal costs.

59.— Subject to *section 97*, a person shall not initiate proceedings for the recoupment of any private bill legal costs awarded under this Chapter until the expiration of the later of—

(*a*) 3 months following delivery by the person of a signed bill of costs referred to in *section 60(1)(a)* upon the person to be charged, or

(*b*) if the bill of costs is referred for adjudication under *section 57(3)* or *58(3)* during the 3 months referred to in *paragraph (a)*, until they are finally certified.

Provisions supplementary to *sections 57* and *58*.

60.— (1) (*a*) An adjudication referred to in *section 57(3)* or *58(3)* may only be made once a signed bill of costs has been delivered to the party to be charged with the costs and a certified true copy of that bill of costs has been given to the Oireachtas Commission.

(*b*) The delivery of a bill of costs referred to in *paragraph (a)* may be effected by ordinary prepaid post or by delivery to the solicitor of the person or, if the person is not represented by a solicitor, by ordinary prepaid post to the person's dwelling or place of employment.

(2) In circumstances where due notice was given and the solicitor or other person, or his or her representative, fails to attend the adjudication, a parliamentary legal costs adjudicator may proceed to adjudicate on and settle the bill of costs.

(3) Pending adjudication, any proceedings brought to recover the private bill legal costs shall be stayed until such costs have been certified under *section 61*.

(4) A parliamentary legal costs adjudicator shall, on completion of the assessment in accordance with the guidelines (if any) issued under *section 56*, deliver to the parties an assessment of costs in writing.

Certificate of costs.

61.— (1) Following an assessment under *section 60* where no question of law has been referred to the Court under *section 98* or, if such a reference has been made, the reference has been withdrawn or abandoned or determined by the Court, on application by the party concerned, the Oireachtas Commission shall issue a certificate of costs.

(2) The certificate of costs shall be treated for the purposes of any proceedings as evidence of—

(*a*) the matters to which the private bill legal costs relate,

(*b*) the amount of private bill legal costs allowed on the assessment, and

(*c*) how much of that amount is, as at the date of the certificate, outstanding.

(3) Where in proceedings to recover costs certified under this section, the respondent states, whether in writing or otherwise, that he or she is not liable to pay them (or part of them), the certificate of costs is to be treated for the purposes of any proceedings as evidence only of such amount (if any) as the claimant may recover from the respondent as a result of the first-mentioned proceedings.

(4) At any time after the issue of a certificate of costs, the party entitled to an adjudicated bill of costs may demand the full certified amount thereof, from one or more persons liable to the payment.

(5) Following a demand by a person under *subsection (4)* for payment of an adjudicated bill of costs, where no payment is made to the person, he or she may recover the same as a simple contract debt in any court of competent jurisdiction.

(6) In the case of a certificate of costs requiring more than one person to be liable for a specified sum, any person from whom the amount of costs or sum certified under this section has been recovered or is to be recovered may claim from the other persons, or any of them, who are liable to the payment of such costs or sum certified a proportionate share thereof, according to the number of persons so liable, and according to the extent of the liability of each person.

Chapter 5

Miscellaneous

Further application of *Part 5*.

62.— The provisions of this Part and *Part 9* shall, with all necessary modifications, apply to the ascertainment, or the adjudication, or both, of any parliamentary costs (including costs arising under proceedings referred to in *section 117(1)*) which are not otherwise ascertained, or adjudicated, or both, pursuant to those provisions.

Power of Oireachtas Commission to specify form of documents.

63.— (1) The Oireachtas Commission may specify the form of documents required for the purposes of this Part as it thinks fit.

(2) The Oireachtas Commission's power under *subsection (1)* may be exercised in such a way as to—

(*a*) include in the specified form of any document referred to in that subsection a statutory declaration—

(i) to be made by the person completing the form, and

(ii) as to whether the particulars contained in the form are true and correct to the best of that person's knowledge and belief,

and

(*b*) specify 2 or more forms of any document referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as it thinks fit.

(3) The form of a document specified under this section shall be—

(*a*) completed in accordance with such directions and instructions as are specified in the document,

(*b*) accompanied by such other documents as are specified in the document (which, in appropriate cases, may be a signed bill of costs or a certified copy of a signed bill of costs, or both, or documentary evidence referred to in guidelines issued under *section 53*), and

(*c*) if the completed document is required to be provided to—

(i) the Oireachtas Commission,

(ii) another person on behalf of the Oireachtas Commission, or

(iii) any other person,

so provided in the manner (if any) specified in the document.

Offences — *Part 5*.

64.— (1) A person who—

(*a*) on examination under oath under *section 45*, or in any affidavit referred to in that section, gives evidence knowing the evidence to be false or misleading in a material particular or being reckless as to whether it is so false or misleading, or

(*b*) knowingly gives a document referred to in that section which is false or misleading in a material particular or being reckless as to whether it is so false or misleading,

is guilty of an offence.

(2) A person guilty of an offence under *subsection (1)* is liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 5 years, or both.

PART 6

Compellability, Privileges and Immunities in Relation to *Part 2* Inquiries

Definition of "direction".

65.— In this Part "direction" means a direction under *section 67(1)*.

Application of *Part 6*.

66.— This Part applies only to a committee whilst it is conducting a *Part 2* inquiry and on which a power to send for persons, papers and records is conferred by the House and shall only so apply subject to the extent of the power so conferred and any conditions imposed by the House on its exercise.

Powers of committee to obtain evidence.

67.— (1) Subject to the provisions of this Act, a committee may—

(*a*) direct in writing any person whose evidence is required by the committee to attend before the committee on a date and at a time and place specified in the direction and there to give evidence and any document in his or her possession or control specified in the direction,

(*b*) direct in writing any person to give to the committee any document in his or her possession or control specified in the direction,

(*c*) direct in writing any person to make discovery on oath of any documents that are or have been in that person's possession or control relating to any matter relevant to the proceedings of the committee and to specify in the affidavit of documents concerned any documents mentioned therein which he or she objects to producing to the committee and the grounds for the objection, and the rules of court relating to the discovery of documents in proceedings in the Court shall apply in relation to the discovery of documents pursuant to this paragraph with any necessary modifications,

(*d*) direct in writing a person to make a statement in writing on the matters on which that person is required to give evidence, and

(*e*) give any other directions for the purpose of the proceedings concerned that appear to the committee to be just and reasonable.

(2) Subject to the provisions of this Act, a committee may, with the consent in writing of the Oireachtas Commission, engage the services of a person with technical

knowledge or expertise, being technical knowledge or expertise that is relevant to a function required to be performed by the committee, to assist it in performing that function.

(3) The reasonable expenses of a person (not including legal costs) who, pursuant to a direction, attends before a committee, shall be paid out of moneys provided by the Oireachtas.

(4)(*a*) A direction in writing shall be signed by—

(i) the chairman of the committee concerned,

(ii) another committee member duly authorised in that behalf by the chairman, or

(iii) the clerk to the committee.

(*b*) Any other direction shall be given by the chairman of the committee concerned.

(5) Subject to *sections 69* and *74*, *subsection (1)* shall not apply to—

(*a*) the President or an officer of the President,

(*b*) a judge of the Supreme Court, F3**[**the Court of Appeal,**]** the High Court, the Circuit Court, the District Court or a Special Criminal Court, or

(*c*) the Master of the High Court.

(6) *subsection (1)* shall not apply to the Attorney General or an officer of the Attorney General except—

(*a*) where the committee concerned is the Committee of Public Accounts, and

(*b*) in so far as that subsection relates to evidence, or a document in his or her possession or control, concerning the general administration of the Office of the Attorney General.

(7) *subsection (1)* shall not apply to the Director of Public Prosecutions or an officer of the Director of Public Prosecutions except—

(*a*) where the committee concerned is the Committee of Public Accounts, and

(*b*) in so far as the subsection relates to evidence, or a document in his or her possession or control, concerning—

(i) the general administration of the Office of the Director of Public Prosecutions, or

(ii) statistics relevant to a matter referred to in a report of and published by the Director of Public Prosecutions in relation to the activities generally of the Office of the Director of Public Prosecutions.

(8) In this section—

(*a*) a reference to the President, the Attorney General, the Director of Public Prosecutions or a judge of the Supreme Court, F3**[**the Court of Appeal,**]** the High Court, the Circuit Court, the District Court or a Special Criminal Court or the Master of the High Court is a reference to a person who holds or held that office in his or her capacity as such holder, and

(*b*) a reference to an officer, in relation to the President, the Attorney General or the Director of Public Prosecutions, is a reference to a person who is or was an officer of the President, the Attorney General or the Director of Public Prosecutions in his or her capacity as such an officer, and includes a reference to a person who provides or provided professional legal services to the

President, the Attorney General or the Director of Public Prosecutions under a contract for services in his or her capacity as such a provider.

Annotations

Amendments:

F3 Inserted (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 72(a)(i)-(ii), S.I. No. 479 of 2014.

Scope of *section 67*.

68.— (1) Subject to *subsection (2)* and *section 67(5)*, *(6)* and *(7)*, a direction may be given to, and any proceedings to enforce the direction may be served on or otherwise made upon—

(*a*) any person in the State,

(*b*) any Irish citizen outside the State, or

(*c*) any person in an Irish registered vessel or aircraft or an Irish diplomatic mission outside the State.

(2) *Paragraphs (a)* and *(c)* of *subsection (1)* shall not apply to a person who at the time concerned is entitled to diplomatic immunity in the State.

Application of *section 67* to members of judiciary, etc.

69.— *Section 67*, in so far as it relates to a *section 9* inquiry established for the purposes of, or in connection with, a matter arising under Article 35.4 of the Constitution or pursuant to section 39 of the Courts of Justice Act 1924 or section 20 of the Courts of Justice (District Court) Act 1946, shall, notwithstanding *subsection (5)* of *section 67*, apply to a person who falls within *paragraph (b)* or *(c)* of that subsection and to which person the matter relates.

Relevant evidence.

70.— (1) A committee shall not direct a person to give evidence or a document to it, or attend before it to give evidence or a document to it, that is not relevant to the proceedings of the committee.

(2) Where a direction to which *paragraph (a)* or *(b)* of *section 67(1)* relates is given to a person and the person is of the opinion that evidence or a document to which the direction relates is not relevant to the proceedings of the committee concerned and so informs the committee, the committee, after considering the opinion, shall either withdraw or confirm the direction.

(3) Subject to *section 94* (where *paragraph (c)* of *subsection (6)* of that section applies), where the committee makes a decision under *subsection (2)*, it shall give a notice in writing of the decision to the person to whom the direction concerned was given.

Exemption of certain evidence, etc., from *section 67*.

71.— (1) Subject to the provisions of this Act (including *section 94* where *paragraph (d)* of *subsection (6)* of that section applies), a committee shall not direct a person to give evidence or a document to it or attend before it to, give evidence or a document to it—

(*a*) relating to discussions at a meeting of the Government or a committee appointed by the Government whose membership consists of members of the Government,

(*b*) relating to discussions at a meeting of a committee appointed by the Government whose membership consists of one or more members of the Government together with one or more Ministers of State or the Attorney General if—

(i) the holding of the meeting was authorised by the Government,

(ii) the proceedings of the meeting were required by the Government to be reported to them, and

(iii) the Secretary to the Government so states in a document signed by him or her and furnished to the Oireachtas committee concerned,

(*c*) if the evidence or document could, if given to it, reasonably be expected to prejudice any criminal proceedings that are pending or in progress in the State or any criminal investigation that is currently being conducted in the State,

(*d*) if the evidence or document could, if given to it, reasonably be expected to adversely affect the security of the State or to be prejudicial to the State in its relations with other states,

(*e*) if the evidence or document could, if given to it, reasonably be expected to prejudice—

(i) the prevention, detection or investigation of offences,

(ii) the apprehension or prosecution of offenders, or

(iii) the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the prevention, detection or investigation of offences or the apprehension or prosecution of offenders,

or

(*f*) relating to information kept for the purpose of assessing the liability of a person in respect of a tax or duty or other payment owed or payable to the State, a local authority within the meaning of the Local Government Act 2001, or the Health Service Executive, or for the purpose of collecting an amount due in respect of such a tax or duty or other payment, unless—

(i) the information is relevant to the terms of reference for the *Part 2* inquiry,

(ii) the information is necessary for the purposes of conducting the *Part 2* inquiry,

(iii) if the information were given to the committee, the information could not reasonably be expected to prejudice the tax and duty collection, audit and enforcement systems, and

(iv) the giving of the information to the committee would be in the public interest.

(2) A meeting of persons who subsequently constitute the membership or part of the membership of a committee referred to in *paragraph (a)* or *(b)* of *subsection (1)* shall not be regarded, for the purposes of this section, as a meeting of that committee.

Declarations in relation to directions.

72.— (1) Where a direction is given by a committee to a person in relation to evidence or a document and the person is of the opinion that the evidence or document could, if given to the committee, reasonably be expected to have the effect specified in *paragraph (d)* or *(e)* of *section 71(1)*, the person may inform the chairman of the committee of that opinion and, if the person does so and the committee does not withdraw the direction, it shall request the person to furnish to the committee a declaration under *subsection (3)* in relation to the matter.

(2) Where a request under *subsection (1)* is made to a person by the committee, the committee shall, on the application of the person, allow such period, not being less than 14 days, as it considers reasonable for responding to the request and, if appropriate, the giving of a declaration under *subsection (3)* and, for that purpose,

the committee shall, if necessary, adjourn the proceedings concerned in relation to the particular matter for such period as it considers appropriate in the circumstances.

(3) Where a request under *subsection (1)* is made to a person—

(*a*) a Minister of the Government may, on application to him or her in that behalf by the person, if he or she considers that the evidence or document concerned would relate or relates to a matter to which *paragraph (d)* of *section 71(1)* applies, give to the person a declaration in writing to that effect made by him or her, and

(*b*) the Director of Public Prosecutions or the Commissioner of the Garda Síochána may, on application to him or her in that behalf by the person, if he or she considers that the evidence or document concerned would relate or relates to information specified in *paragraph (e)* of *section 71(1)*, give to the person a declaration in writing to that effect made by him or her.

(4) Where a declaration under *subsection (3)* is given to the committee concerned, it shall withdraw the direction concerned.

Provisions supplementary to *section 67*.

73.— (1) (*a*) Where a direction under *paragraph (a)* or *(b)* of *section 67(1)* is given by a committee (in this section referred to as the "relevant committee") to a person in his or her capacity as an employee, or as a representative of, a House or another committee, the relevant committee, shall, not less than 10 days before the day specified in the direction, notify the employer concerned or the House or other committee of the direction and of the matter to which the evidence or document concerned would relate or relates and the employer or another employee of the employer, authorised in that behalf by the employer, or, as the case may be, another representative, or an employee, of the House or other committee, authorised in that behalf by the House or other committee, may, if the relevant committee so decides—

(i) appear before, and make submissions (including submissions in writing) to, the relevant committee relevant to its proceedings, and

(ii) give evidence and documents to it relevant to such proceedings.

(*b*) In *paragraph (a)* "employee" includes a civil servant and "employer", in relation to a civil servant, means the civil servant who is the principal officer of the Department of State or other branch or office of the public service in which the first-mentioned civil servant is employed.

(2) A direction to a person (not being an individual) under *paragraph (b)* of *section 67(1)* shall be addressed—

(*a*) in the case of a Department of State or other branch or office of the public service, to the civil servant or public servant who is the principal officer of the Department of State, branch or office,

(*b*) in the case of a representative of a House or another committee, to the Secretary General of the Houses of the Oireachtas, and

(*c*) in any other case, to the principal officer of the body concerned,

and the day on or before which the document concerned is required to be sent to the relevant committee shall be specified in the direction and shall not be less than 10 days after the date of the direction.

(3) Notwithstanding *subsections (1)* and *(2)*, the employer or House or other committee concerned shall be entitled to nominate another representative to—

(*a*) appear before, and make submissions (including submissions in writing) to, the relevant committee relevant to its proceedings, and

(*b*) give evidence and documents to it relevant to such proceedings,

in place of the person to whom the direction was given but the relevant committee is entitled to not accept the nomination and to maintain that its direction be complied with by the person to whom it was given.

Saver and restriction of Official Secrets Act 1963.

74.— (1) *Sections 66* and *67* are without prejudice to section 65 of the Court Officers Act 1926.

(2) Sections 4 and 5 of the Official Secrets Act 1963 shall not apply to evidence or a document given to a committee pursuant to a direction.

Offences — *Part 6*.

75.— (1) A person who—

(*a*) having been directed under *paragraph (a)* of *section 67(1)* to attend before a committee and having had tendered to him or her any sum in respect of the expenses of his or her attendance before the committee which a witness summoned to attend before the Court would be entitled to have tendered to him or her, without reasonable excuse, fails to comply with the direction,

(*b*) being in attendance before a committee pursuant to a direction under *paragraph (a)* of *section 67(1)*, refuses to take the oath on being required by the committee to do so or refuses to answer any question to which the committee is entitled by law to require an answer,

(*c*) without reasonable excuse, fails to comply with a direction under *paragraph (b)*, *(c)*, *(d)* or *(e)* of *section 67(1)*, or

(*d*) does any other thing in relation to the proceedings of a committee which, if done in relation to proceedings of a court by a witness in the court or any other person, would be contempt of that court,

is guilty of an offence.

(2) If a person gives false evidence before a committee in such circumstances that, if the person had given the evidence before a court, the person would be guilty of perjury, the person is guilty of an offence.

(3) A person who is guilty of an offence under *subsection (1)* or *(2)* is liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 5 years, or both.

(4) A person who has had a sanction imposed on him or her by the Court for a failure to comply with an order of the Court under *section 99* relating to a particular direction shall not be tried for an offence under *subsection (2)* in relation to that direction and a person who has been tried for an offence under that subsection in relation to a particular direction shall not be proceeded against for failure to comply with an order of the Court under *section 99* relating to that direction.

Annotations

Modifications (not altering text):

C2 Reference to perjury construed (28.07.2021) by *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), s. 4(2) and sch. 2 item 53, S.I. No. 378 of 2021.

References to perjury or subornation of perjury

4. ...

(2) A reference in an enactment specified in Schedule 2 to perjury or to subornation of perjury, howsoever described, in relation to an act committed on or after the coming into operation of this subsection, shall be construed as a reference to perjury or to subornation of perjury, as the case may be, within the meaning of this Act.

...

SCHEDULE 2

Section 4 (2)

...

53. Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013, sections 29(1), 75(2), 81(1) and 90(2)

...

PART 7

Compellability, Privileges and Immunities in Relation to Other Committee Business

Chapter 1

Definitions and application of Chapters 2 and 3

Definitions — *Part 7*.

76.— In this Part—

"direction" means a direction under *section 83(1)*;

"appropriate committee"—

(*a*) in relation to a committee which is not a joint committee, means the Committee on Procedure and Privileges of the House, and

(*b*) in relation to a joint committee, means the Committee on Procedure and Privileges of each House.

Application of *Chapters 2* and *3*.

77.— (1) Subject to *subsection (2)*, *Chapters 2* and *3* apply only to a committee whilst it is conducting other committee business and on which a power to send for persons, papers and records has been conferred by the House and shall only so apply subject to the extent of the power so conferred and any conditions imposed by the House on its exercise.

(2) Subject to *subsection (3)*, *Chapters 2* and *3* shall not apply to a committee in respect of any particular matter the subject of the other committee business being conducted by the committee unless the committee has given a direction in respect of the particular matter.

(3) A committee shall not give a direction unless it has the consent in writing of the appropriate committee to do so and any such consent may be given generally or in any particular case.

Chapter 2

Privileges and immunities, etc.

Privileges and immunities of witnesses.

78.— (1) (*a*) Subject to *subsection (2)* and *section 94* (where *paragraph (a)* of *subsection (6)* of that section applies), a person whose evidence has been, is being or is to be given before a committee, or who gives a document to the committee, whether voluntarily or pursuant to a direction—

(i) has the same immunities and privileges in respect of that evidence or document, and

(ii) is, in addition to the penalties provided by this Act, subject to the same liabilities,

as a witness to proceedings in the Court.

(*b*) Subject to *subsection (2)* and *section 94* (where *paragraph (a)* of *subsection (6)* of that section applies), a person who is directed under this Act to give evidence or a document to a committee or to attend before the committee and there to give evidence or a document—

(i) has the same immunities and privileges in respect of that evidence or document, and

(ii) is, in addition to the penalties provided by this Act, subject to the same liabilities,

as a witness to proceedings in the Court.

(2) Where a witness (not being a member of either House) who is giving evidence to a committee in relation to a particular matter is directed by the chairman of the committee to cease giving such evidence, the witness shall be entitled only to qualified privilege in relation to defamation in respect of any evidence given after the giving of the direction unless and until the chairman withdraws the direction.

(3) Where it is determined that the privilege relied on as grounds for refusing to give a document applies to part only of the information in a document, the person directed to give the document shall cause to be prepared a redacted version, or a summary version, or both, as directed by the committee, of the document that excludes that privileged information, but only if—

(*a*) the document so allows, and

(*b*) in the committee's opinion, it is in the best interests of the other committee business it is conducting and of fair procedures to do so.

(4) Where a person causes a redacted version, or a summary version, or both, of a document to be prepared in accordance with this section, the redacted version, or the summary version, or both, as the case requires, forms part of the evidence received by the committee.

Guidelines relating to procedures of other committee business.

79.— (1) Subject to *subsection (2)*, the *section 79* committee may issue guidelines under this section, not inconsistent with this Act, relating to the procedures of other committee business.

(2) For the purposes of the considerations to be taken into account in promoting the objectives of fair procedures and the efficient and cost-effective running of other committee business, guidelines under this section may include guidelines relating to—

(*a*) procedures applicable to witnesses,

(*b*) the circumstances in which evidence in writing rather than oral evidence may be appropriate,

(*c*) protocols for committees (including committee members) or a class of committees (including a class of committee members) in their dealings with

the media both immediately before the commencement of, during the course of, and after the termination of, any other committee business,

(*d*) protocols for the chairmen of committees or a class of such chairmen in their dealings with witnesses and other committee members, or

(*e*) the information to be provided to witnesses, including matters relating to non-cooperation with the committee and offences under this Act.

(3) Guidelines issued under this section shall not prejudice the generality of any rules and standing orders.

(4) In this section—

"procedures" includes conduct;

"*section 79* committee" means the committee designated by the rules and standing orders of the House as the committee which may issue guidelines under this section.

Other persons identified in evidence.

80.— (1) Where, during the course of the proceedings of a committee, a person who is not present during the proceedings is referred to by name or in such other manner as to be capable of being identified, the committee shall, if, having regard to the requirement to observe fair procedures, it considers it appropriate to do so, cause a transcript of the relevant part of the proceedings to be given to the person.

(2)(*a*) Where a person referred to in *subsection (1)* is of the opinion that a mistake of fact or misstatement (including a misstatement by the omission of necessary or relevant context) has been made affecting him or her, he or she may, within 14 days after being given the transcript concerned (or such longer period (if any) as may be specified by the committee), give a statement of evidence in writing and relevant documents to the committee,

(*b*) The committee may, subject to *subsection (3)*, permit a person referred to in *subsection (1)*, upon his or her request, to correct the statement in such additional manner as the committee considers appropriate in the circumstances having regard to the requirement to observe fair procedures, including by way of—

(i) giving oral evidence, or

(ii) directing other specified persons to give evidence.

(3) The committee may comply with a request under *subsection (2)(b)* and shall do so if it considers that, having regard to the requirement to observe fair procedures, it is necessary or expedient to do so.

Evidence given or sent to committee not admissible in certain proceedings.

81.— (1) None of the following is admissible as evidence against a person in any other proceedings (including disciplinary proceedings) except proceedings in relation to an offence under this Act or the offence of perjury:

(*a*) a statement or admission made by the person to the committee during the course of the conduct of the other committee business;

(*b*) a document given or sent to the committee pursuant to a direction of the committee to the person;

(*c*) a document specified in an affidavit of documents made by the person and given to the committee pursuant to a direction of the committee;

(*d*) a document created by or for the committee (including any document which is incomplete or in a draft form only) for the purposes of the other committee business.

(2) A document that is otherwise available and was not created for the purposes of the other committee business will not be inadmissible as evidence in any proceedings (including disciplinary proceedings) by virtue of this section.

(3) Subject to provisions in this Act regarding confidentiality, the House may resolve to make documents of the other committee business available to another statutory authority (not being a court or disciplinary body) in accordance with rules and standing orders.

Annotations

Modifications (not altering text):

C3 Reference to perjury construed (28.07.2021) by *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), s. 4(2) and sch. 2 item 53, S.I. No. 378 of 2021.

References to perjury or subornation of perjury

4. ...

(2) A reference in an enactment specified in Schedule 2 to perjury or to subornation of perjury, howsoever described, in relation to an act committed on or after the coming into operation of this subsection, shall be construed as a reference to perjury or to subornation of perjury, as the case may be, within the meaning of this Act.

...

SCHEDULE 2

Section 4 (2)

...

53. Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013, sections 29(1), 75(2), 81(1) and 90(2)

...

Offences — *Chapter 2*.

82.— (1) A person who provides information to the committee which is false or misleading in a material particular, knowing the information to be so false or misleading or being reckless as to whether it is so false or misleading, is guilty of an offence.

(2) A person guilty of an offence under *subsection (1)* is liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 5 years, or both.

Chapter 3

Directions that may be given by committee conducting other committee business and related matters

Powers of committee to obtain evidence.

83.— (1) Subject to the provisions of this Act, a committee may—

(*a*) direct in writing any person whose evidence is required by the committee to attend before the committee on a date and at a time and place specified in the direction and there to give evidence and any document in his or her possession or control specified in the direction,

(*b*) direct in writing any person to give to the committee any document in his or her possession or control specified in the direction,

(*c*) direct in writing any person to make discovery on oath of any documents that are or have been in that person's possession or control relating to any matter relevant to the proceedings of the committee and to specify in the affidavit of documents concerned any documents mentioned therein which he or she objects to producing to the committee and the grounds for the objection, and the rules of court relating to the discovery of documents in proceedings in the Court shall apply in relation to the discovery of documents pursuant to this paragraph with any necessary modifications,

(*d*) direct in writing a person to make a statement in writing on the matters on which that person is required to give evidence, and

(*e*) give any other directions for the purpose of the proceedings concerned that appear to the committee to be just and reasonable.

(2) The reasonable expenses of a person (not including legal costs) who, pursuant to a direction, attends before a committee, shall be paid out of moneys provided by the Oireachtas.

(3)(*a*) A direction in writing shall be signed by—

(i) the chairman of the committee concerned,

(ii) another committee member duly authorised in that behalf by the chairman, or

(iii) the clerk to the committee.

(*b*) Any other direction shall be given by the chairman of the committee concerned.

(4) Subject to *section 89*, *subsection (1)* shall not apply to—

(*a*) the President or an officer of the President,

(*b*) a judge of the Supreme Court, F4**[**the Court of Appeal,**]** the High Court, the Circuit Court, the District Court or a Special Criminal Court, or

(*c*) the Master of the High Court.

(5) *Subsection (1)* shall not apply to the Attorney General or an officer of the Attorney General except—

(*a*) where the committee concerned is the Committee of Public Accounts, and

(*b*) in so far as that subsection relates to evidence, or a document in his or her possession or control, concerning the general administration of the Office of the Attorney General.

(6) *Subsection (1)* shall not apply to the Director of Public Prosecutions or an officer of the Director of Public Prosecutions except—

(*a*) where the committee concerned is the Committee of Public Accounts, and

(*b*) in so far as the subsection relates to evidence, or a document in his or her possession or control, concerning—

(i) the general administration of the Office of the Director of Public Prosecutions, or

(ii) statistics relevant to a matter referred to in a report of and published by the Director of Public Prosecutions in relation to the activities generally of the Office of the Director of Public Prosecutions.

(7) In this section—

(*a*) a reference to the President, the Attorney General, the Director of Public Prosecutions or a judge of the Supreme Court, F4**[**the Court of Appeal,**]** the High Court, the Circuit Court, the District Court or a Special Criminal Court or the Master of the High Court is a reference to a person who holds or held that office in his or her capacity as such holder, and

(*b*) a reference to an officer, in relation to the President, the Attorney General or the Director of Public Prosecutions, is a reference to a person who is or was an officer of the President, the Attorney General or the Director of Public Prosecutions in his or her capacity as such an officer, and includes a reference to a person who provides or provided professional legal services to the President, the Attorney General or the Director of Public Prosecutions under a contract for services in his or her capacity as such a provider.

Annotations

Amendments:

F4 Inserted (28.10.2014) by *Court of Appeal Act 2014* (18/2014), s. 72(b)(i)-(ii), S.I. No. 479 of 2014.

Scope of *section 83*.

84.— (1) Subject to *subsection (2)* and *section 83(4)*, *(5)* and *(6)*, a direction may be given to, and any proceedings to enforce the direction may be served on or otherwise made upon—

(*a*) any person in the State,

(*b*) any Irish citizen outside the State, or

(*c*) any person in an Irish registered vessel or aircraft or an Irish diplomatic mission outside the State.

(2) *Paragraphs (a)* and *(c)* of *subsection (1)* shall not apply to a person who at the time concerned is entitled to diplomatic immunity in the State.

Relevant evidence.

85.— (1) A committee shall not direct a person to give evidence or a document to it, or attend before it to give evidence or a document to it, that is not relevant to the proceedings of the committee.

(2) Where a direction to which *paragraph (a)* or *(b)* of *subsection (1)* of *section 83* relates is given to a person and the person is of the opinion that evidence or a document to which the direction relates is not relevant to the proceedings of the committee concerned and so informs the committee, the committee, after considering the opinion, shall either withdraw or confirm the direction.

(3) Subject to *section 94* (where *paragraph (c)* of *subsection (6)* of that section applies), where the committee makes a decision under *subsection (2)*, it shall give a notice in writing of the decision to the person to whom the direction concerned was given.

Exemption of certain evidence, etc., from *section 83*.

86.— (1) Subject to the provisions of this Act, a committee shall not direct a person to give evidence or a document to it or attend before it to give evidence or a document to it—

(*a*) relating to discussions at a meeting of the Government or a committee appointed by the Government whose membership consists of members of the Government,

(*b*) relating to discussions at a meeting of a committee appointed by the Government whose membership consists of one or more members of the

Government together with one or more Ministers of State or the Attorney General if—

(i) the holding of the meeting was authorised by the Government,

(ii) the proceedings of the meeting were required by the Government to be reported to them, and

(iii) the Secretary to the Government so states in a document signed by him or her and furnished to the Oireachtas committee concerned,

(*c*) if the evidence or document could, if given to it, reasonably be expected to prejudice any criminal proceedings that are pending or in progress in the State or any criminal investigation that is currently being conducted in the State,

(*d*) if the evidence or document could, if given to it, reasonably be expected to adversely affect the security of the State or to be prejudicial to the State in its relations with other states,

(*e*) if the evidence or document could, if given to it, reasonably be expected to prejudice—

(i) the prevention, detection or investigation of offences,

(ii) the apprehension or prosecution of offenders, or

(iii) the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the prevention, detection or investigation of offences or the apprehension or prosecution of offenders,

or

(*f*) relating to information kept for the purpose of assessing the liability of a person in respect of a tax or duty or other payment owed or payable to the State, a local authority within the meaning of the Local Government Act 2001, or the Health Service Executive, or for the purpose of collecting an amount due in respect of such a tax or duty or other payment.

(2) A meeting of persons who subsequently constitute the membership or part of the membership of a committee referred to in *paragraph (a)* or *(b)* of *subsection (1)* shall not be regarded, for the purposes of this section, as a meeting of that committee.

Declarations in relation to directions.

87.— (1) Where a direction is given by a committee to a person in relation to evidence or a document and the person is of the opinion that the evidence or document could, if given to the committee, reasonably be expected to have the effect specified in *paragraph (d)* or *(e)* of *section 86(1)*, the person may inform the chairman of the committee of that opinion and, if the person does so and the committee does not withdraw the direction, it shall request the person to furnish to the committee a declaration under *subsection (3)* in relation to the matter.

(2) Where a request under *subsection (1)* is made to a person by the committee, the committee shall, on the application of the person, allow such period, not being less than 14 days, as it considers reasonable for responding to the request and, if appropriate, the giving of a declaration under *subsection (3)* and, for that purpose, the committee shall, if necessary, adjourn the proceedings concerned in relation to the particular matter for such period as it considers appropriate in the circumstances.

(3) Where a request under *subsection (1)* is made to a person—

(*a*) a Minister of the Government may, on application to him or her in that behalf by the person, if he or she considers that the evidence or document concerned would relate or relates to a matter to which *paragraph (d)* of *section 86(1)*

applies, give to the person a declaration in writing to that effect made by him or her, and

(*b*) the Director of Public Prosecutions or the Commissioner of the Garda Síochána may, on application to him or her in that behalf by the person, if he or she considers that the evidence or document concerned would relate or relates to information specified in *paragraph (e)* of *section 86(1)*, give to the person a declaration in writing to that effect made by him or her.

(4) Where a declaration under *subsection (3)* is given to the committee concerned, it shall withdraw the direction concerned.

Provisions supplementary to *section 83*.

88.— (1) (*a*) Where a direction under *paragraph (a)* or *(b)* of *section 83(1)* is given by a committee (in this section referred to as the "relevant committee") to a person in his or her capacity as an employee, or as a representative of, a House or another committee, the relevant committee, shall, not less than 10 days before the day specified in the direction, notify the employer concerned or the House or other committee of the direction and of the matter to which the evidence or document concerned would relate or relates and the employer or another employee of the employer, authorised in that behalf by the employer, or, as the case may be, another representative, or an employee, of the House or other committee, authorised in that behalf by the House or other committee, may, if the relevant committee so decides—

(i) appear before, and make submissions (including submissions in writing) to, the relevant committee relevant to its proceedings, and

(ii) give evidence and documents to it relevant to such proceedings.

(*b*) In *paragraph (a)* "employee" includes a civil servant and "employer", in relation to a civil servant, means the civil servant who is the principal officer of the Department of State or other branch or office of the public service in which the first-mentioned civil servant is employed.

(2) A direction to a person (not being an individual) under *paragraph (b)* of *section 83(1)* shall be addressed—

(*a*) in the case of a Department of State or other branch or office of the public service, to the civil servant or public servant who is the principal officer of the Department of State, branch or office,

(*b*) in the case of the representative of a House or another committee, to the Secretary General of the Houses of the Oireachtas, and

(*c*) in any other case, to the principal officer of the body concerned,

and the day on or before which the document concerned is required to be sent to the relevant committee shall be specified in the direction and shall not be less than 10 days after the date of the direction.

(3) Notwithstanding *subsections (1)* and *(2)*, the employer or House or other committee concerned shall be entitled to nominate another representative to—

(*a*) appear before, and make submissions (including submissions in writing) to, the relevant committee relevant to its proceedings, and

(*b*) give evidence and documents to it relevant to such proceedings,

in place of the person to whom the direction was given.

Saver and restriction of Official Secrets Act 1963.

89.— (1) *Sections 77* and *83* are without prejudice to section 65 of the Court Officers Act 1926.

(2) Sections 4 and 5 of the Official Secrets Act 1963 shall not apply to evidence or a document given to a committee pursuant to a direction.

Offences — *Chapter 3*.

90.— (1) A person who—

(*a*) having been directed under *paragraph (a)* of *section 83(1)* to attend before a committee and having had tendered to him or her any sum in respect of the expenses of his or her attendance before the committee which a witness summoned to attend before the Court would be entitled to have tendered to him or her, without reasonable excuse, fails to comply with the direction,

(*b*) being in attendance before a committee pursuant to a direction under *paragraph (a)* of *section 83(1)*, refuses to take the oath on being required by the committee to do so or refuses to answer any question to which the committee is entitled by law to require an answer,

(*c*) without reasonable excuse, fails to comply with a direction under *paragraph (b)*, *(c)*, *(d)* or *(e)* of *section 83(1)*, or

(*d*) does any other thing in relation to the proceedings of a committee which, if done in relation to proceedings of a court by a witness in the court or any other person, would be contempt of that court,

is guilty of an offence.

(2) If a person gives false evidence before a committee in such circumstances that, if the person had given the evidence before a court, the person would be guilty of perjury, the person is guilty of an offence.

(3) A person who is guilty of an offence under *subsection (1)* or *(2)* is liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 5 years, or both.

(4) A person who has had a sanction imposed on him or her by the Court for a failure to comply with an order of the Court under *section 99* relating to a particular direction shall not be tried for an offence under *subsection (2)* in relation to that direction and a person who has been tried for an offence under that subsection in relation to a particular direction shall not be proceeded against for failure to comply with an order of the Court under *section 99* relating to that direction.

Annotations

Modifications (not altering text):

C4 Reference to perjury construed (28.07.2021) by *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), s. 4(2) and sch. 2 item 53, S.I. No. 378 of 2021.

References to perjury or subornation of perjury

4. ...

(2) A reference in an enactment specified in Schedule 2 to perjury or to subornation of perjury, howsoever described, in relation to an act committed on or after the coming into operation of this subsection, shall be construed as a reference to perjury or to subornation of perjury, as the case may be, within the meaning of this Act.

...

SCHEDULE 2

Section 4 (2)

...

53. Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013, sections 29(1), 75(2), 81(1) and 90(2)

...

Chapter 4

Oireachtas Commission may pay expenses of witnesses, etc.

Oireachtas Commission may pay reasonable expenses of witnesses, etc.

91.— Subject to *section 83(2)*, the Oireachtas Commission may pay, out of moneys provided by the Oireachtas, the reasonable expenses (not including legal costs) incurred by a witness in, or other person affected by, the proceedings of a committee.

PART 8

Privilege and Immunity of Committees and Members of Houses and Restriction of Evidence of Certain Persons

Privilege and immunity of committees, etc.

92.— (1) A member of a House shall not, in respect of any utterance in or before a committee, be amenable to any court or any authority other than the House.

(2) Subject to *sections 36(2)* and *37(2)*, the following are privileged wherever published:

(*a*) the documents of a committee and the documents of committee members connected with the committee or its functions,

(*b*) all official reports and publications of a committee, and

(*c*) the utterances made in proceedings of a committee.

(3) Utterances made or documents prepared at or for meetings of a committee that are held otherwise than in public and at which no evidence is given to the committee shall not be disclosed without the consent in writing of the chairman.

(4) A document given to a committee by a person who is not a committee member shall cease to be a document of the committee under *subsection (2)(a)* if the committee so decides.

(5) In this section "utterance" includes a statement within the meaning of the Defamation Act 2009.

Restriction on evidence, etc., of certain persons.

93.— (1) Where a committee is for the time being conducting any relevant proceedings—

(*a*) a civil servant, member of the Permanent Defence Force or the Garda Síochána, or relevant person, may give evidence to the committee for the purpose of establishing facts and giving the committee a factual account of a matter, including evidence as to anything said or communicated by any person during the course of events of which an account is being given, and

(*b*) without prejudice to the generality of *paragraph (a)*—

(i) the committee may not ask a civil servant, member of the Permanent Defence Force or the Garda Síochána, or relevant person, to express an opinion on the merits of a policy of the Government or of a Minister of the Government or the merits of the objectives of such a policy, and

(ii) a civil servant, member of the Permanent Defence Force or the Garda Síochána, or a relevant person, may not express such an opinion.

(2)(*a*) Where—

(i) a specified person or relevant person is directed by a committee under this Act to give it a specified document or to attend before it to give it a specified document, and

(ii) the appropriate person is satisfied that a part, but not the whole, of the document consists of questioning by a specified person or relevant person of, or the expression by a specified person or relevant person of an opinion on, the merits of a policy of the Government or of a Minister of the Government or the merits of the objectives of such a policy,

the appropriate person shall direct in writing the specified person or relevant person, as the case may be, to give to the committee a copy (which may be a summary copy or redacted copy, or both), prepared under the supervision of the appropriate person, of so much of the document as does not consist of such part and the specified person or relevant person, as the case may be, shall comply with the direction.

(*b*) A document prepared pursuant to *paragraph (a)* shall be signed by the appropriate person and shall contain a statement to the effect that it is prepared pursuant to this subsection and is a copy (which may be a summary copy or redacted copy, or both) of so much of the specified document to which the direction concerned relates as does not consist of the part in which the merits of a policy or objectives referred to in *paragraph (a)* are questioned, or an opinion thereon is expressed, by a specified person or relevant person.

(*c*) A document that is given to a committee pursuant to a direction of the committee and purports to be a document prepared pursuant to this subsection and to comply with *paragraph (b)* shall be deemed, unless the contrary is shown, to be a copy of so much of the specified document to which the direction relates as does not consist of the part in which the merits of a policy or objectives referred to in *paragraph (a)* are questioned, or an opinion thereon is expressed, by a specified person or relevant person.

(3) *subsection (2)* shall not be construed to permit a summary copy or redacted copy of a document referred to in that subsection to exclude so much of the document as relates to establishing facts and giving a factual account of a matter, including an account as to anything said or communicated by any person during the course of events of which the document is giving an account.

(4) In this section—

" appropriate person "—

(*a*) in relation to a specified person who is a civil servant, means the principal officer of the Department of State or other branch or office of the public service in which the specified person is employed,

(*b*) in relation to a specified person who is a member of the Defence Forces, means the Secretary General of the Department of Defence,

(*c*) in relation to a specified person who is a member of the Garda Síochána, means the Secretary General of the Department of Justice and Equality,

(*d*) in relation to a person who is a member of staff of a public service body, the principal officer of that body, and

(*e*) in relation to a relevant person, the principal officer of the body concerned referred to in the other enactment concerned;

"relevant person" means a person who, under any other enactment, is prohibited, whilst reporting to a House or a committee, from expressing an opinion on the merits of a policy of the Government or of a Minister of the Government or on the merits of the objectives of such a policy or words to the like effect;

"specified document" means a document that is the subject of a direction for the purposes of particular proceedings of a committee and that was created before the commencement of those proceedings;

" specified person " means a person who is a civil servant or member of the Permanent Defence Force or the Garda Síochána.

PART 9

Applications to High Court in Relation to Relevant Proceedings, etc.

Application to Court for directions on matter relating to relevant proceedings.

94.— (1) Where a witness to or other person affected by any relevant proceedings (in this section referred to as the "objector") is of the opinion that any matter relating to the proceedings is not being inquired into or otherwise dealt with in accordance with this Act, he or she may give the chairman of the committee a notice in writing (in this section referred to as the "notice of objection") of that opinion and that matter and shall, in the notice, state his or her reasons for the opinion.

(2) Where the chairman of the committee is given a notice of objection, he or she shall, as soon as is practicable, give a copy of the notice to each of the other committee members and thereafter the committee shall, as soon as is practicable, consider the notice and take what it considers to be the most appropriate course of action specified in *subsection (3)*.

(3)(*a*) If the committee agrees with what is stated in the notice of objection, it shall give the objector a notice in writing of its agreement and either—

(i) only continue to inquire into the matter the subject of the notice of objection, or only continue to otherwise deal with the matter, in accordance with its agreement with the notice of objection, or

(ii) cease to further inquire into the matter, or cease to otherwise deal with the matter,

as it considers appropriate.

(*b*) If the committee disagrees with what is stated in the notice of objection, it shall give the objector a notice in writing of its disagreement and the reasons for the disagreement.

(*c*) If the committee agrees in part and disagrees in part with what is stated in the notice of objection, it shall take the course of action specified in *paragraph (a)* in respect of the part with which it agrees and take the course of action specified in *paragraph (b)* in respect of the part with which it disagrees.

(*d*) The committee, instead of taking, in respect of the notice of objection, the course of action specified in *paragraph (a)*, *(b)* or *(c)*, may, on notice to the objector, apply in a summary manner to the Court for directions concerning what is stated in the notice of objection and, in any such case, it shall cease

to inquire further into the matter the subject of the notice of objection, or cease to otherwise deal with the matter, until—

(i) the application is withdrawn or abandoned because the committee has, in respect of the notice, subsequently taken the course of action specified in *paragraph (a)*, or

(ii) the Court gives its directions on the matter.

(4) Where the objector is given a notice under *subsection (3)(b)* by the committee, he or she—

(*a*) may give the committee a notice in writing that he or she intends to apply to the Court for directions concerning what is stated in the notice of objection, and

(*b*) may, within 14 days after being given such notice under *subsection (3)(b)* (or within such longer period (if any) as the Court may allow), apply in a summary manner, on notice to the committee, to the Court for directions concerning what is stated in the notice of objection.

(5) Subject to *section 101*, where the committee is given a notice referred to in *subsection (4)(a)* by the objector, it shall cease to inquire further into the matter the subject of the notice of objection, or cease to otherwise deal with the matter—

(*a*) not sooner than 14 days after it has been given the notice referred to in that subsection without the objector having made the application concerned to the Court, or

(*b*) if the application is made, until—

(i) the application is withdrawn or abandoned, or

(ii) the final determination of the matter.

(6) Without prejudice to the generality of this section in respect of matters relating to relevant proceedings which may be the subject of applications to the Court under this section by the committee or objectors, any such application may relate to—

(*a*) immunities, privileges or liabilities referred to in *section 18* or *78*,

(*b*) the contents of a draft of a relevant report, or the contents of a draft of part of a relevant report, given to a person under *section 35*,

(*c*) the relevance to the proceedings of the committee of evidence or a document referred to in *section 70* or *85* , or

(*d*) whether or not the prohibition in *section 71(1)* applies to a direction given or proposed to be given under *section 67(1)*.

(7) The Court shall determine an application under this section for directions by giving such directions as it considers just and reasonable in the circumstances.

Provisions that apply where committee resolves that publication of relevant report could prejudice criminal proceedings, etc.

95.— (1) Where the committee is of the opinion, before a relevant report is finalised, that the publication of the report could reasonably be expected to prejudice any criminal proceedings that are pending or in progress in the State or any criminal investigation currently being conducted in the State, the committee shall apply to the Court for directions concerning the publication of the report.

(2) The Court shall, before determining an application under *subsection (1)* in respect of a relevant report, direct that a notice in writing be given to—

(*a*) the Attorney General,

(*b*) the Director of Public Prosecutions,

(*c*) the Commissioner of the Garda Síochána, and

(*d*) any person who is a defendant in criminal proceedings relating to an act or omission that is referred to in the report or that is related to the inquiry and referred to in the report.

(3) The Court may, on an application under *subsection (1)*—

(*a*) receive submissions, and evidence tendered, by or on behalf of any person referred to in *subsection (2)*, and

(*b*) hear the application otherwise than in public if the Court considers it appropriate to do so.

(4) Where the Court, after hearing an application under *subsection (1)* in respect of a relevant report, considers that the publication of the report could reasonably be expected to prejudice any criminal proceedings, or a criminal investigation, as specified in that subsection, it may direct that the report or a specified part of it shall not be published—

(*a*) until a specified period of time has elapsed or until a specified event has occurred, or

(*b*) until the Court otherwise directs.

Court's role in award of third party legal costs, etc., under *sections 48*, *55*, *57* and *58*.

96.— (1) Where the Oireachtas Commission has given a person a notice in writing referred to in *section 48(1)* or *(4)*, *57(1)* or *58(1)*, the Oireachtas Commission may, on notice to the person, apply to the Court for confirmation of the grounds set out in the notice for the belief set out in the notice.

(2) The Court may, on an application under *subsection (1)* for an order confirming the grounds set out in a notice referred to in that subsection for a belief set out in the notice—

(*a*) make an order confirming all of those grounds,

(*b*) make an order confirming one or more than one of those grounds but not all of those grounds, or

(*c*) refuse to make such an order.

(3) A direction under *section 55(1)* or *(2)* by the Oireachtas Commission to a person to pay expenses referred to in that section shall not take effect until it is confirmed by an order of the Court on application by the Oireachtas Commission on notice to that person.

(4) The Court may, on an application under *subsection (3)* for an order confirming a direction of the Oireachtas Commission to pay expenses to the Oireachtas Commission or another person—

(*a*) make an order confirming the direction with or without modification, or

(*b*) refuse to make such an order.

(5) Where a person who has been given a notice referred to in *section 48(8)(a)* or *55(5)(a)* which states that—

(*a*) the Oireachtas Commission proposes to take no action in respect of the request concerned under *section 48(4)* or *55(2)*, as the case may be, made by the person, or

(*b*) the Oireachtas Commission proposes to take action on some, but not all, of the grounds specified in such request,

the person may, on notice to the Oireachtas Commission, apply to the Court for directions relating to what action the Oireachtas Commission should take in respect of the request, or the grounds on which the Oireachtas Commission should take action in respect of the request, or both.

(6) The Court shall determine an application under *subsection (5)* by giving such directions as it considers just and reasonable in the circumstances.

Court may set aside *section 50* or *59*.

97.— The Court may, on application in a summary manner made to it by a person referred to in *section 50* or *59* who has given notice of the application to the person to be charged referred to in that section, authorise the commencement of proceedings for the recoupment of costs prior to the expiration of 3 months following delivery of the signed bill of costs concerned referred to in that section.

Reference to Court concerning *Part 2* inquiry legal costs or private bill legal costs.

98.— (1) A parliamentary legal costs adjudicator may, whether or not at the request of a party (including the Oireachtas Commission) to an application under *section 51(1)* for an adjudication of *Part 2* inquiry legal costs (within the meaning of *section 42*), or at the request of a party to an adjudication referred to in *section 57(3)* or *58(3)*, refer a question of law arising in the application or adjudication, as the case may be, to the Court for the opinion of the Court.

(2) Where a question has been referred to the Court under *subsection (1)* by a parliamentary legal costs adjudicator, neither that parliamentary legal costs adjudicator nor any successor to that officer shall—

(*a*) make a determination to which the question is relevant while the reference is pending, or

(*b*) proceed in a manner, or make a determination, inconsistent with the opinion of the Court on the question.

Application to Court where person fails to comply with direction under *section 67(1)* or *83(1)*.

99.— Where a person fails to comply with a direction under *section 67(1)* or *83(1)*, the Court may, on application to it in a summary manner in that behalf by the chairman of the committee concerned on behalf of the committee and on notice to the person, order the person to comply with the direction.

Appeal to Court against certain direction under *section 67(1)* or *83(1)*.

100.— (1) *Subsection (2)* applies where a direction under *section 67(1)* or *83(1)* is given by a committee in relation to evidence or a document and—

(*a*) the person to whom it is given is of the opinion that the evidence or document could, if given to the committee, reasonably be expected to prejudice any criminal proceedings that are pending or in progress in the State or any criminal investigation that is currently being conducted in the State, and so informs the committee, or

(*b*) a person who is a party to any such criminal proceedings or who is conducting any such criminal investigation is of the opinion that the evidence or document could, if given to the committee, reasonably be expected to prejudice the proceedings or investigation, as the case may be, and so informs the committee.

(2) Where this subsection applies, in the case of a direction under *section 67(1)* or *83(1)* given by a committee, and a person referred to in *paragraph (a)* or *(b)* of *subsection (1)*, then—

(*a*) subject to *subsection (3)*, if the committee does not withdraw the direction, the person may, not later than 14 days after being informed by the committee of its decision not to do so and on notice to the committee, apply to the Court in a summary manner for the determination of the question whether the evidence or document could, if given to the committee, reasonably be expected to have the effect specified in *paragraph (c)* of *section 71(1)* or *paragraph (c)* of *section 86(1)*, as the case may be, or to prejudice the criminal proceedings or investigation concerned as referred to in *paragraph (a)* or *(b)* of *subsection (1)*,

(*b*) subject to *section 101*, if such an application is made, the committee shall adjourn its proceedings relating to the particular matter until—

(i) the application is withdrawn or abandoned, or

(ii) the final determination of the question referred to in *paragraph (a)*,

and

(*c*) if the Court determines that the evidence or document could, if given to the committee, have the effect referred to in *paragraph (a)* on the criminal proceedings or investigation concerned, the committee shall withdraw the direction.

(3) The Court may extend the period referred to in *subsection (2)(a)* in respect of which an application referred to in that subsection may be made to it in any case where it is satisfied that there is good and sufficient reason for the extension.

Disapplication of *section 94(5)(a)* or *(b)*, or *100(2)(b)*, to committee in certain circumstances.

101.— (1) This section applies to a person who has—

(*a*) given the committee a notice in writing referred to in *section 94(4)(a)* but has failed to make the application to the Court specified in the notice,

(*b*) made an application referred to in *section 94(4)(b)* to the Court but has withdrawn or abandoned the application, or

(*c*) made an application referred to in *section 100(2)(a)* to the Court but has withdrawn or abandoned the application.

(2) Where a person to whom this section applies gives the committee a substantially similar *section 94(4)* notice, the committee may, on notice to the person, apply in a summary manner to the Court for an order that *paragraph (a)* of *section 94(5)* shall not apply to the committee in the case of that notice.

(3) Where a person to whom this section applies makes a substantially similar *section 94(4)* application to the Court, the committee may, on notice to the person, apply in a summary manner to the Court for an order that *paragraph (b)* of *section 94(5)* shall not apply to the committee in the case of that application.

(4) Where a person to whom this section applies makes a substantially similar *section 100(2)* application to the Court, the committee may, on notice to the person, apply in a summary manner to the Court for an order that *paragraph (b)* of *section 100(2)* shall not apply to the committee in the case of that application.

(5) The Court, on an application under *subsection (2)*, *(3)* or *(4)*, may—

(*a*) make the order sought by the application, or

(*b*) refuse to make such an order.

(6) In this section—

"substantially similar *section 94(4)* notice", in relation to a person to whom this section applies, means a notice in writing referred to in *section 94(4)* given by the

person to the committee and which is the same as, or substantially similar to, the notice referred to in *paragraph (a)* of *subsection (1)* previously given by the person to the committee;

"substantially similar *section 94(4)* application", in relation to a person to whom this section applies, means an application referred to in *section 94(4)* made by the person to the Court and which is the same as, or substantially similar to, the application referred to in *paragraph (b)* of *subsection (1)* previously made by the person to the Court;

"substantially similar *section 100(2)* application", in relation to a person to whom this section applies, means an application referred to in *section 100(2)* made by the person to the Court and which is the same as, or substantially similar to, the application referred to in *paragraph (c)* of *subsection (1)* previously made by the person to the Court.

Court's discretion to hear certain matters otherwise than in public.

102.— Proceedings in the Court under this Act, in so far as they relate to—

(*a*) a draft of a relevant report,

(*b*) an unpublished relevant report,

(*c*) the disclosure or non-disclosure of confidential material, or

(*d*) *section 100*,

may be heard otherwise than in public if the Court is satisfied that it is just and reasonable to do so.

Provisions supplementary to *sections 94* to *102*.

103.— The Court, in any direction, order, authorisation or opinion given or made by it under this Part, may make such related orders, whether in respect of the committee or other persons, as it considers just and reasonable in the circumstances and, without prejudice to the generality of the foregoing, in particular to ensure that fair procedures are observed in relation to witnesses to, or other persons affected by, relevant proceedings.

PART 10

Privilege in Relation to Private Papers and Confidential Communications

Interpretation — *Part 10*.

104.— (1) In this Part—

"confidential communication", in relation to a member, means a communication (not being a private paper), by any means (whether in writing or not), of information to and from the member, in the course of his or her capacity as a member, on an understanding (whether express or implied) that its source or content, or both, would be treated as confidential, and includes any document evidencing such a communication;

"member" means a member of a House, and includes a former member of the House in his or her capacity as a former member and, where the context so requires, a deceased member of the House;

"ministerial office" means office as Taoiseach, Tánaiste, Minister or Minister of State, and "Department or Office" shall be construed accordingly;

"*Part 10* committee", in relation to a House, means the committee appointed by the House to perform the functions conferred on *Part 10* committees by this Part;

"private paper", in relation to a member, means whichever of the following as applies to the member (other than a paper that has already been lawfully put into the public domain):

(*a*) in relation to a member who is not a holder of ministerial office, any paper in the possession or control of the member in relation to his or her political (including party political) role or in his or her capacity as a member;

(*b*) in relation to a member who is the holder of ministerial office, any paper in the possession or control of the member in relation to his or her political (including party political) role or in his or her capacity as a member, but does not include any paper (whether or not held by his or her Department or Office, by the member, or by any special adviser in his or her Department or Office) which relates to the member's own functions in relation to his or her ministerial office;

(*c*) in relation to a member who is the Attorney General, any paper in the possession or control of the member in relation to his or her political (including party political) role or in his or her capacity as a member, but does not include any paper (whether or not held by his or her Office, by the member, or by any special adviser) which relates to the member's own functions in relation to the office of the Attorney General;

"special adviser" means special adviser within the meaning of section 11 of the Public Service Management Act 1997.

(2) Nothing in the Part shall be construed to prejudice the power of each House to make rules and standing orders pursuant to Article 15.10 of the Constitution to create a protection for private papers referred to in that Article (and irrespective of whether the definition of "private paper" provided for in such rules and standing orders overlaps, whether in whole or in part, with the definition of "private paper" in this Part).

(3) The assertion by a person of a privilege created by this Part in respect of a document shall not preclude the assertion by the person of any other privilege or protection in respect of the document.

Protected communications of member.

105.— (1) A person shall not have access to, or require the disclosure of, a private paper of a member other than—

(*a*) with the consent in writing of the member, or

(*b*) subject to *subsection (2)*, where it is determined by the Court, upon application being made to it under this section, that the access or disclosure, as the case may be, is relevant to the investigation of any offence alleged against the member, or is essential by virtue of an overriding public interest arising in the context of proceedings before a court, tribunal, commission or *Part 2* inquiry.

(2) The Court shall, in determining under *paragraph (b)* of *subsection (1)* whether or not it should make an order providing for access to, or the disclosure of, a private paper of a member, have regard to—

(*a*) the extent to which the paper relates to a matter of public importance or public interest,

(*b*) the rights and interests of any member affected,

(*c*) the rights and interests of any other person who provided information to the member,

(*d*) the rights and interests of any other person to whom the paper relates,

(*e*) the public interest in maintaining the confidentiality of the identity of persons who communicate with members,

(*f*) the public interest in maintaining the confidentiality of the contents of private papers, and

(*g*) any other circumstances that the Court considers relevant.

(3) A person shall not require the disclosure of a confidential communication other than—

(*a*) with the consent in writing of the member who made or received the communication, or

(*b*) subject to *subsection (4)*, where it is determined by the Court, upon application being made to it under this section, that the disclosure is relevant to the investigation of any offence alleged against the member, or is essential by virtue of an overriding public interest arising in the context of proceedings before a court, tribunal, commission or *Part 2* inquiry.

(4) The Court shall, in determining under *paragraph (b)* of *subsection (3)* whether or not it should make an order providing for the disclosure of a confidential communication made by or to a member, have regard to—

(*a*) the extent to which the communication relates to a matter of public importance or public interest,

(*b*) the rights and interests of any member affected,

(*c*) the rights and interests of any other person who provided information to the member,

(*d*) the rights and interests of any other person to whom the communication relates,

(*e*) the public interest in maintaining the confidentiality of the identity of persons who communicate with members,

(*f*) the public interest in maintaining the confidentiality of the contents of confidential communications, and

(*g*) any other circumstances that the Court considers relevant.

(5) Where under this section the Court orders access to, or the disclosure of, a private paper or confidential communication, it shall determine the terms and extent of such access or disclosure, as the case may be.

(6) Without prejudice to the generality of *section 107*, a member may give a consent referred to in *subsection (1)(a)* or *(3)(a)* without the approval of a House, committee or any other person.

(7) Rules of court shall make provision for the manner in which an application to the Court under this section shall be made.

Disclosure of communication.

106.— Nothing in this Part prevents a person who has communicated with a member and who is otherwise entitled by law to disclose the fact or content of the communication from doing so whether or not the person represented to the member at the time of the communication that its source or content would be treated as confidential.

Determining what constitutes private paper or confidential communication.

107.— (1) A member who has in his or her possession or control a document may at any time apply to the *Part 10* committee for a determination as to whether the document is a private paper or confidential communication.

(2) The *Part 10* committee may, for the purposes of making a determination under *subsection (1)* as to whether or not a document referred to in that subsection is a private paper or confidential communication—

(*a*) exercise the powers conferred on a committee that has, under the rules and standing orders of the House, been conferred with the right to send for persons, papers and records, or

(*b*) if, following a preliminary consideration of the matter, the committee considers it unnecessary in the circumstances to exercise such powers—

(i) examine any relevant document (including a report prepared under *subparagraph (iii)*),

(ii) consider a statement in writing by the member concerned and any other person in relation to the circumstances giving rise to the document or otherwise in relation to the grounds for a claim (if any) that the document is a private paper or confidential communication, and

(iii) appoint a person that the committee is satisfied has suitable qualifications, and possesses the level of experience, and independence from any interest falling to be determined between the parties concerned, for the purposes of—

(I) examining the information, and

(II) preparing a report for the committee with a view to assisting or facilitating the committee in making the determination.

(3) The *Part 10* committee shall take all necessary steps to safeguard the confidentiality of the document concerned and preserve the confidentiality of its proceedings under this section.

(4) A determination of the *Part 10* committee under this section may only be reviewed by way of judicial review, on application made to the Court within 14 days after the date of the determination being made known to the party aggrieved by the determination.

Guidelines.

108.— A House may prepare and issue guidelines for the purposes of this Part providing for the practical guidance of its members, including protocols to be followed relating to maintaining a document as a private paper or confidential communication.

Former or deceased member of House.

109.— (1) *Subsections (1)(a)* and *(3)(a)* of *section 105* shall apply to a former member who has not died as if the references in those subsections to "member" were references to "former member".

(2) *Subsections (1)(a)* and *(3)(a)* of *section 105* shall apply to a former member who has died as if the references in those subsections to "member" were references to "*Part 10* committee".

Disclosure of private paper by way of evidence.

110.— A person shall not be required to answer any question which would reveal, or would be likely to reveal, the content of a private paper of a member, whether created before or after the event or matter the subject of the question, the disclosure of which would be contrary to this Part, except in so far as may be necessary to enable the *Part 10* committee to make a determination under *section 107*.

Offences — *Part 10*.

111.— (1) Where a private paper of a member is knowingly or recklessly disclosed by a person other than the member and such disclosure is not authorised by a provision of this Part, the person is guilty of an offence.

(2) Where a confidential communication is knowingly or recklessly disclosed by a person other than the member who made or received the communication, or the person who made the communication to the member, the first-mentioned person is guilty of an offence.

(3) Where—

(*a*) a person discloses a private paper of a member in contravention of *subsection (1)*, or

(*b*) a person discloses a confidential communication in contravention of *subsection (2)*,

any other person who publishes the private paper or confidential communication, as the case may be, is guilty of an offence, regardless of how he or she acquired the private paper or confidential communication, or the content of the private paper or confidential communication, as the case may be.

(4) A person who is guilty of an offence under *subsection (1)*, *(2)* or *(3)* is liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 5 years, or both.

PART 11

Privilege in Relation to Official Documents

Interpretation — *Part 11*.

112.— (1) In this Part—

"official document", in relation to a House, means a document that has not been lawfully put into the public domain and is designated as an official document by or on behalf of the House in accordance with directions under *section 113* issued by—

(*a*) in the case of a document held by Dáil Éireann, the *Part 11* committee,

(*b*) in the case of a document held by Seanad Éireann, the *Part 11* committee,

(*c*) in the case of a document held by both Houses, both *Part 11* committees;

"*Part 11* committee", in relation to a House, means the committee appointed by the House to perform the functions conferred on *Part 11* committees by this Part.

(2) Nothing in the Part shall be construed to prejudice the power of each House to make rules and standing orders pursuant to Article 15.10 of the Constitution to create a protection for official documents referred to in that Article (and irrespective of whether the definition of "official document" provided for in such rules and standing orders overlaps, whether in whole or in part, with the definition of "official document" in this Part).

(3) The assertion by a person of a privilege created by this Part in respect of a document shall not preclude the assertion by the person of any other privilege or protection in respect of the document.

Directions relating to official documents.

113.— (1) The *Part 11* committee may issue directions under this section specifying the categories of documents (other than documents relating to the financial entitlements of members, including expenses, or documents of the Oireachtas Commission) which are to be official documents.

(2) The *Part 11* committee, in issuing directions under this section, shall have regard to—

(*a*) the need to protect the efficient carrying out of the business of the House,

(*b*) the need for the maximum transparency in relation to the activities of the House and papers of significant public interest held by the House,

(*c*) the need to limit the categories of official document requiring protection to those the unauthorised disclosure of which would cause damage to the work of the House or its members, or both, and

(*d*) any other matters that the committee considers relevant.

Restriction on unauthorised access to official documents.

114.— (1) A person shall not have access to, or require the disclosure of, an official document of a House other than—

(*a*) with a consent in writing given in accordance with the rules and standing orders, or

(*b*) subject to *subsection (2)*, where it is determined by the Court, upon application being made to it under this section, that the access or disclosure, as the case may be, is relevant to the investigation of any offence alleged against a member, or is essential by virtue of an overriding public interest arising in the context of proceedings before a court, tribunal, commission or *Part 2* inquiry.

(2) The Court shall, in determining under *paragraph (b)* of *subsection (1)* whether or not it should make an order providing for access to, or the disclosure of, an official document, have regard to—

(*a*) the extent to which the document relates to a matter of public importance or public interest,

(*b*) the rights and interests of any person affected,

(*c*) the rights and interests of any other person who provided information to the House,

(*d*) the rights and interests of any other person to whom the document relates,

(*e*) the public interest in maintaining the confidentiality of the identity of persons who communicate with the House,

(*f*) the public interest in maintaining the confidentiality of the contents of official documents, and

(*g*) any other circumstances that the Court considers relevant.

(3) Where under this section the Court orders access to, or the disclosure of, an official document, it shall determine the terms and extent of such access or disclosure, as the case may be.

(4) Where the House is considering consenting under *subsection (1)(a)* to access to, or the disclosure of, an official document, it shall have regard to—

(*a*) the extent to which the document relates to a matter of public importance or public interest,

(*b*) the rights and interests of any person affected, and

(*c*) any other circumstances that the House considers relevant.

(5) Rules of court shall make provision for the manner in which an application to the Court under this section may be made.

Disclosure of official document by way of evidence.

115.— A person shall not be required to answer any question which would reveal, or would be likely to reveal, the content of an official document, whether created before or after the event or matter the subject of the question, the disclosure of which would be contrary to this Part, except in so far as may be necessary to enable the *Part 11* committee to issue directions under *section 113*.

Offences — *Part 11*.

116.— (1) Where an official document of a House is knowingly or recklessly disclosed by a person other than a member and such disclosure is not authorised by a provision of this Part, the person is guilty of an offence.

(2) Where a person discloses an official document of a House in contravention of *subsection (1)*, any other person who publishes the document is guilty of an offence, regardless of how he or she acquired the document or the content of the document.

(3) A person who is guilty of an offence under *subsection (1)* or *(2)* is liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 5 years, or both.

PART 12

Evidence on Oath

Power to examine witnesses and administer oaths.

117.— (1) A House or committee may examine witnesses for the purposes of any of its functions including, without prejudice to the generality of the foregoing—

(*a*) its functions under this Act,

(*b*) its consideration of a Bill (including a private bill), and

(*c*) any other function in respect of which the House or committee, as the case may be, considers it appropriate to examine a witness.

(2) A House or committee may administer an oath to a witness examined before the House or committee, as the case may be.

(3) An oath referred to in *subsection (2)* may be administered by—

(*a*) in the case of a person to be examined before Dáil Éireann, the Ceann Comhairle or Clerk of Dáil Éireann or a person authorised in writing by the Ceann Comhairle or Clerk of Dáil Éireann to do so,

(*b*) in the case of a person to be examined by Seanad Éireann, the Cathaoirleach or Clerk of Seanad Éireann or a person authorised in writing by the Cathaoirleach or Clerk of Seanad Éireann to do so,

(*c*) in the case of a person to be examined by both Houses acting jointly, the Ceann Comhairle, Clerk of Dáil Éireann, Cathaoirleach or Clerk of Seanad Éireann or a person authorised in writing by the Ceann Comhairle, Clerk of Dáil Éireann, Cathaoirleach or Clerk of Seanad Éireann to do so,

(*d*) in the case of a committee, the chairman of the committee or clerk of the committee or a person authorised in writing by the chairman or clerk to do so, or

(*e*) a person authorised by rules and standing orders to do so in a case referred to in *paragraph (a)*, *(b)*, *(c)* or *(d)* that is applicable.

Power to require evidence on oath.

118.— A witness before a committee may be required by the committee to give his or her evidence to the committee on oath.

Offences — *Part 12*.

119.— (1) A person to whom an oath referred to in *section 117(2)* has been administered and who, whilst under that oath, knowingly or recklessly gives evidence which is false or misleading in a material particular, in the course of being examined by the House or committee concerned, is guilty of an offence.

(2) A person guilty of an offence under *subsection (1)* is liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 5 years, or both.

PART 13

Laying of Documents

Definition of "statute".

120.— In this Part "statute" (except in *paragraph (b)* of the definition of "instrument in relation to which this section applies" in *section 122(2)*), means—

(*a*) an Act of the Oireachtas,

(*b*) an Act of the Oireachtas of Saorstát Éireann, or

(*c*) an Act retained by, and referred to in a Schedule to—

(i) the Statute Law Revision Act 2007,

(ii) the Statute Law Revision Act 2009, or

(iii) the Statute Law Revision Act 2012,

other than any such Act which has been repealed subsequent to such retention.

Procedure for laying documents.

121.— A reference in any statute to the laying of a document before a House shall be construed—

(*a*) if the rules and standing orders of the House which are for the time being in force specify the action to be taken as constituting laying of the document before the House, as a reference to the taking of that action, and

(*b*) if such rules and standing orders do not so specify, as a reference to the taking of such action as, by virtue of the practice which for the time being is followed by the House, is accepted as constituting laying of the document before the House.

Provision of minimum period in relation to laying of certain documents.

122.— (1) Where in accordance with a provision contained in any statute (whether passed before or after the commencement of this section)—

(*a*) an instrument in relation to which this section applies may not come into force or may not take effect within a period after the laying of the instrument before a House, being a period not expressed in sitting days,

(*b*) a proposed instrument in relation to which this section applies may not be made, issued, granted or given within a period after the laying of a draft of the instrument before a House, being a period not expressed in sitting days, or

(*c*) an instrument in relation to which this section applies or a draft of a proposed such instrument may be annulled, disallowed or disapproved, or rendered such as not to have any force or such that no further proceedings are to be taken thereon, in whole or in part by or consequent upon action taken by a House within a period after the laying of the instrument or draft before the House, being a period not expressed in sitting days,

then, in any case in which the laying before the House is effected after the commencement of this section, the period shall, if apart from this subsection it would expire earlier, be deemed not to have expired before the expiration of the relevant weeks.

(2) In this section—

"instrument in relation to which this section applies" means—

(*a*) any order, regulation, rule, scheme, bye-law, warrant, licence, permit, certificate, direction or other like document, or

(*b*) any statute for the government of a university or constituent college thereof,

with respect to which the power or authority under which it may be made, issued, granted or given in, conferred by or under statute;

"relevant weeks" means the following weeks:

(*a*) either—

(i) in case, in the week in which the laying before the House is effected, the House sits on any day later than the day on which the laying before it is effected, the week in which the laying before the House is effected, or

(ii) in any other case, the first week, after the week in which the laying before the House is effected, in which the House sits;

(*b*) the first week, after the week specified in *paragraph (a)*, in which the House sits;

(*c*) the first week, after the week specified in *paragraph (b)*, in which the House sits;

(*d*) the first week, after the week specified in *paragraph (c)*, in which the House sits.

(3) Notwithstanding *section 5*, the Houses of the Oireachtas (Laying of Documents) Act 1966 shall continue to apply to instruments laid before a House until the commencement of *subsections (1)* and *(2)*.

PART 14

Miscellaneous

Offences by bodies corporate.

123.— (1) Where an offence under this Act is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, is guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Proceedings in Court, etc.

124.— (1) The Court shall give such priority as, having regard to all the circumstances, it reasonably can to the disposal of proceedings in the Court under this Act.

(2) Subject to *subsection (3)*, an application to the Court in relation to any relevant proceedings (including an application relating to judicial review), not being an application to the Court referred to in *Part 9*, shall be made not later than 14 days after the applicant has knowledge, or ought reasonably to have had knowledge, of the matter the subject of the application.

(3) The Court may extend the period referred to in *subsection (2)* in respect of which an application referred to in that subsection may be made to it in any case where it is satisfied that there is good and sufficient reason for the extension.

(4)(*a*) In any relevant proceedings, other than an application under *Part 9*, the Court shall not grant a stay (other than a stay on notice to the committee) on such proceedings if the Court is satisfied that the applicant concerned could have obtained the stay sought by way of proceedings under that Part.

(*b*) If the Court is not so satisfied, the Court may grant an *ex parte* stay on such proceedings only—

(i) where it is satisfied that it is essential in the interests of justice to do so, and

(ii) for such period not exceeding 3 days as may be necessary to put the committee on notice of an application for an extension of the *ex parte* stay.

Prosecutions.

125.— (1) A prosecution for an offence under this Act may be brought only by or with the consent in writing of the Director of Public Prosecutions.

(2) A summary offence under this Act may be prosecuted by the Oireachtas Commission acting with the consent in writing of the Director of Public Prosecutions.

Legal proceedings not to fall on discontinuation of inquiry, etc.

126.— (1) The discontinuation of a *Part 2* inquiry or other committee business, or the dissolution of Dáil Éireann or of the committee, or a general election for Seanad Éireann after the dissolution of Dáil Éireann, shall not of itself—

(*a*) cause any criminal or other proceedings relating to the inquiry or other committee business, or the House or committee, that are pending or in progress to be discontinued or otherwise fall, or

(*b*) otherwise prevent the prosecution of an offence committed prior to such discontinuation, dissolution or election, as the case may be.

(2) When the committee or House cannot act because of a discontinuation, dissolution or general election referred to in *subsection (1)*, the Oireachtas Commission shall act on behalf of the committee or House, as the case may be, in respect of

proceedings referred to in *paragraph (a)* of that subsection or a prosecution referred to in *paragraph (b)* of that subsection.

Restriction of Freedom of Information Acts 1997 and 2003.

127.— (1) Without prejudice to the exemption for official documents and private papers, the Freedom of Information Acts 1997 and 2003 shall not apply to a record relating to a *Part 2* inquiry or other committee business unless—

(*a*) the record was created before the inquiry or other committee business, as the case may be, commenced, or

(*b*) the record relates to the expenses of the committee or other matters concerning the general administration of the committee.

(2) *subsection (1)* applies whether the record concerned is held by—

(*a*) the committee,

(*b*) the Oireachtas Commission,

(*c*) a tribunal or commission after being made available to it under *section 29(3)*, or

(*d*) any other House or committee after being transferred to it on the dissolution of a tribunal or commission to which the record was made available under *section 29(3)*.

(3) In this section "record" has the same meaning as in the Freedom of Information Acts 1997 and 2003.

Amendment of Witnesses (Public Inquiries) Protection Act 1892.

128.— The Witnesses (Public Inquiries) Protection Act 1892 is amended—

(*a*) in section 1, by deleting "under the authority of any Royal Commission or by any committee of either House of Parliament, or", and

(*b*) in section 7, by deleting "any power or privilege possessed by either House of Parliament, or".

Amendment of section 21 of Companies Act 1990.

129.— Section 21(1) of the Companies Act 1990 is amended by substituting the following paragraph for paragraph (*fb*):

"(*fb*) for the purposes of the performance by a committee (being a committee within the meaning of the *Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013* to which *Part 3* or *6*, or *Chapter 2* or *3* of *Part 7*, or *section 118*, of that Act applies) of any of its functions,".

Amendment of section 46 of Freedom of Information Act 1997.

130.— Section 46(1) of the Freedom of Information Act 1997 is amended—

(*a*) in paragraph (*e*), by substituting "confidential" for "confidential, or", and

(*b*) by inserting the following paragraph after paragraph (*e*):

"(*ea*) a record relating to any private paper or confidential communication, within the meaning of *Part 10* of the *Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013*, or official document, within the meaning of *Part 11* of that Act, unless consent has been given under that Act for its disclosure, or".

Amendment of section 13 of Child Trafficking and Pornography Act 1998.

131.— Section 13(*a*) of the Child Trafficking and Pornography Act 1998 is amended by substituting "*section 67* or *83* of the *Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013*" for "section 3 of the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997".

Amendment of section 17 of Defamation Act 2009.

132.— Section 17(2) of the Defamation Act 2009 is amended by substituting "*section 18(3)* or *78(2)* of the *Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013*" for "section 11(2) of the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997".

Offences — *Part 14*.

133.— (1) A person who threatens to inflict, or inflicts, injury, damage or loss on a witness, or who offers a reward, or rewards, a witness to a *Part 2* inquiry or other committee business—

(*a*) with intent to influence, or in a manner calculated to influence, whether any such witness will give evidence or the nature, extent, duration or content of the evidence any such witness may give, or

(*b*) without lawful excuse, in retaliation for, or in consequence of, the giving of evidence by any such witness,

is guilty of an offence.

(2) *subsection (1)* shall, with all necessary modification, apply to a member of a House or committee member or prospective committee member of a committee conducting or to conduct a *Part 2* inquiry or other committee business as it applies to a witness to an inquiry or other committee business respectively.

(3) A person guilty of an offence under *subsection (1)* is liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 5 years, or both.

Section 5.

SCHEDULE

REPEALS

Citation (1)	Short title (2)	Extent of repeal (3)
1471-72 (11 & 12 Edw. 4) c. 80 [P.R.O. vol. 3]	Parliamentary Privilege Act 1471	The whole Act.
1512 (4 Hen. 8) c. 8	Parliamentary Privilege Act 1512	The whole Act.
1514 (6 Hen. 8) c. 16	Parliamentary Attendance Act 1514	The whole Act.
1603 (1 Jas. 1) c. 13	Parliamentary Privilege Act 1603	The whole Act.
1688 (1 Will. & Mary sess. 2) c. 2	Bill of Rights 1688	In the first section, the words "Freedom of Speech. That the Freedome of Speech and Debates of Proceedings in Parlyament ought not to be impeached or questioned in any Court or place out of Parlyament.".
1737 (11 Geo. 2) c. 24	Parliamentary Privilege Act 1737	The whole Act.
1770 (10 Geo. 3) c. 50	Parliamentary Privilege Act 1770	The whole Act.
1847 (10 & 11 Vict.) c. 69	House of Commons Costs Taxation Act 1847	The whole Act.
1849 (12 & 13 Vict.) c. 78	House of Lords Costs Taxation Act 1849	The whole Act.
1858 (21 & 22 Vict.) c. 78	Parliamentary Witnesses Act 1858	The whole Act.
1865 (28 & 29 Vict.) c. 27	Parliamentary Costs Act 1865	The whole Act.
1867 (30 & 31 Vict.) c. 136	Parliamentary Costs Act 1867	The whole Act.
1871 (34 & 35 Vict.) c. 3	Parliamentary Costs Act 1871	The whole Act.
1871 (34 & 35 Vict.) c. 83	Parliamentary Witnesses Oaths Act 1871	The whole Act.
1879 (42 & 43 Vict.) c. 17	House of Commons Costs Taxation Act 1879	The whole Act.
No. 52 of 1924	Private Bill Costs Act 1924	Sections 2 to 5.
No. 53 of 1924	Oireachtas Witnesses Oaths Act 1924	The whole Act.
No. 10 of 1966	Houses of the Oireachtas (Laying of Documents) Act 1966	The whole Act.
No. 22 of 1970	Committee of Public Accounts of Dáil Éireann (Privilege and Procedure) Act 1970	The whole Act.
No. 10 of 1976	Committees of the Houses of the Oireachtas (Privilege and Procedure) Act 1976	The whole Act.
No. 32 of 1994	Select Committee on Legislation and Security of Dáil Éireann (Privilege and Immunity) Act 1994	The whole Act.
No. 17 of 1997	Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997	The whole Act.

No. 47 of 1998	Comptroller and Auditor General and Committees of the Houses of the Oireachtas (Special Provisions) Act 1998	The whole Act except sections 1, 12, 21 and 24(1) and (3).
No. 16 of 2004	Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Act 2004	The whole Act.

Number 33 *of* 2013

HOUSES OF THE OIREACHTAS (INQUIRIES, PRIVILEGES AND PROCEDURES) ACT 2013

REVISED

Updated to 2 April 2025

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

- *Policing, Security and Community Safety Act 2024* (1/2024)
- *Online Safety and Media Regulation Act 2022* (41/2022)
- *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021)
- *Court of Appeal Act 2014* (18/2014)

All Acts up to and including *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), enacted 14 April 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 (Commencement) Order 2013* (S.I. No. 362 of 2013)

All statutory instruments up to and including *Policing, Security and Community Safety Act 2024 (Commencement) Order 2025* (S.I. No. 107 of 2025), made 2 April 2025, were considered in the preparation of this revision.