



**Doc. 13821**

20 June 2015

## Lack of legislation on spent convictions in Ireland

**Reply to Written question<sup>1</sup>:** Written question No. 676 (Doc. 13695)  
Committee of Ministers

1. In response to the Honorable Parliamentarian's written question, the Irish delegation has informed the Committee of Ministers of the state of play regarding the ongoing revision of legislation concerning spent convictions. According to the information received, a 2013 UK Court of Appeal judgment necessitated a review of the disclosure provisions in both the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the Spent Convictions Bill. This review has been completed and amendments to the Vetting Act and consequential amendments to the Spent Convictions Bill are currently being drafted. It is the intention of the Minister for Justice to bring the amendments to the Bill before the Oireachtas during the current session. The Bill will subsequently be enacted at the earliest opportunity.
2. The Committee of Ministers has also been informed that pending the amendment of the Bill, an administrative filter for Garda Vetting Disclosures has been introduced, which provides that certain minor offences that are over seven years old are no longer disclosed. This administrative filter already gives effect to the main provisions likely to be contained in the amended Spent Convictions Bill.
3. With respect to the question of the conformity of the above-mentioned draft legislation with Recommendation Rec(84)10 to member States on the criminal record and rehabilitation of convicted persons, the Committee of Ministers notes that the recommendation is a non-binding legal instrument containing recommendations to member States of a general character. The latter have a wide margin of appreciation with respect to its implementation. The Committee of Ministers cannot evaluate at this stage whether the Irish legislation as amended will be in conformity with the recommendation or not.
4. Finally, as regards compatibility of the draft legislation with the provisions of the European Convention on Human Rights, interpreted in the light of the case law of the European Court of Human Rights, the Committee of Ministers notes that it is not its role to pronounce itself on this issue.

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1. Adopted at the 1231st meeting of the Ministers' Deputies (17 June 2015).

