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OFFICE OF THE MINISTER FOR JUSTICE & EQUALITY

Mr. Pat Gallagher
President and PRO
Irish Naturist Association
PO Box 1077
Churchtown
Dublin 14

28 October 2015

Minister Reference: 1017113311

Dear Mr. Gallagher,

I refer to your submission concerning the status of naturism in Ireland. I would also like to apologise for the delay in responding to you, this was due to an error in issuing a response.

On 23 September, the Minister published the Criminal Law (Sexual Offences) Bill 2015, as approved by Government. The Bill contains a wide range of measures including protecting children and other vulnerable persons from sexual abuse and exploitation to criminalising paying for sexual activity from a prostitute, amongst others.

In addition to the measures outlined above, Section 39 of the Bill provides for offences concerning indecent exposure. As you outlined in your submission, following a number of judgments of the High Court which struck out offences relating to public indecency and exposure, it was necessary to update the law in this area. This required careful consideration by the Department of the above mentioned

judgments, the approach in other jurisdictions, as well as your submission.

Section 39 of the Bill replaces section 18 of the Criminal Law Amendment Act 1935 and provides for new offences to address two types of offensive behaviour.

Subsection (1) provides for an offence of "exposure" where a person exposes his or her genitals and intends to cause fear, distress or alarm to another person.

Subsection (2) addresses inappropriate sexual behaviour in a public place or where it can be viewed by a member of the public. This section provides for an offence of engaging in (i) sexual intercourse, (ii) an act of buggery, or (iii) an act of masturbation in a public place.

Subsection (3) provides for an offence of engaging in offensive conduct of a sexual nature which gives rise to distress or alarm and which does not fall within either subsection (1) or (2).

For the purposes of this section, "offensive conduct of a sexual nature" is defined as any behaviour of a sexual nature which, having regard to all the circumstances is likely to cause fear, distress or alarm to any person, who is, or might reasonably be expected to be, aware of any such behaviour.

A person found guilty of any of the offence described above shall be liable on conviction on indictment to up to two years imprisonment and / or a class C fine, which is a fine not exceeding €2,500.

As outlined above, these offences will address behaviour where the intent is to cause fear, distress or alarm to another person.

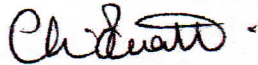
It is expected that the Bill will be considered by the House during this parliamentary session.

In response to the second part of your submission, the making of Bye-Laws concerning the designation of areas for specific purposes, as outlined in your

submission, is a matter for local authorities who fall under the remit of the Department of Environment, Community and Local Government.

I hope this provides you with clarification as to the intended legislative changes.

Yours sincerely,



Chris Quattrociochi
Private Secretary to the
Minister for Justice and Equality