



**An Bille um Ghníomhaíocht Eacnamaíoch a Rialú (Críocha faoi Fhorghabháil),
2018**

Control of Economic Activity (Occupied Territories) Bill 2018

Mar a tionscnaíodh

As initiated



**AN BILLE UM GHNÍOMHAÍOCHT EACNAMAÍOCH A RIALÚ (CRÍOCHA FAOI
FHORGHABHÁIL), 2018**
CONTROL OF ECONOMIC ACTIVITY (OCCUPIED TERRITORIES) BILL 2018

Mar a tionscnaíodh
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CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and collective citation
2. Interpretation
3. Occupied territory
4. Regulations

PART 2

SETTLEMENT GOODS, SERVICES AND NATURAL RESOURCES

5. Extra-territorial application of this Act
6. Importation of settlement goods
7. Sale of settlement goods
8. Provision of a settlement service
9. Extraction of resources from a relevant occupied territory

PART 3

PENALTIES AND DEFENCES

10. Penalties
11. Defences

ACTS REFERRED TO

Companies Act 2014 (No. 38)

Customs Act 2015 (No. 18)

International War Crimes Tribunals Act 1998 (No. 40)



**AN BILLE UM GHNÍOMHAÍOCHT EACNAMAÍOCH A RIALÚ (CRÍOCHA FAOI
FHORGHABHÁIL), 2018**
CONTROL OF ECONOMIC ACTIVITY (OCCUPIED TERRITORIES) BILL 2018

Bill

entitled

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An Act to give effect to the State’s obligations arising under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and under customary international humanitarian law; and for that purpose to make it an offence for a person to import or sell goods or services originating in an occupied territory or to extract resources from an occupied territory in certain circumstances; and to provide for related matters. 10

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and collective citation

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1. (1) This Act may be cited as the Control of Economic Activity (Occupied Territories) Act 2018.
(2) *Section 6* of this Act and the Customs Act 2015 may be cited together as the Customs Acts 2015 to 2018.

Interpretation

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2. In this Act—

“Fourth Geneva Convention” means the Convention (IV) relative to the Protection of Civilian Persons in Time of War done at Geneva, 12 August 1949;

“illegal settler” means a member of the civilian population of an occupying power who was or is present within the relevant occupied territory and whose presence is being, or has been, facilitated directly or indirectly, by the occupying power; 25

“international tribunal” has the same meaning as it has in section 2 of the International War Crimes Tribunals Act 1998;

“Minister” means the Minister for Foreign Affairs and Trade;

“occupying power” has the same meaning as it has in the Fourth Geneva Convention; “resources” means natural resources which include but are not limited to oil, gas, mineral, rock, energy, timber, marine life, and agricultural produce;

“settlement goods” means goods produced in whole or in part within a relevant occupied territory by an illegal settler; 5

“settlement service” means a service provided in whole or in part within a relevant occupied territory by an illegal settler.

Occupied territory

3. (1) In this Act, “relevant occupied territory” means a territory which is occupied within the meaning of the Fourth Geneva Convention, and which has been— 10
- (a) confirmed as such in a decision or advisory opinion of the International Court of Justice,
 - (b) confirmed as such in a decision of the International Criminal Court,
 - (c) confirmed as such in a decision of an international tribunal, or
 - (d) designated as such for the purposes of this Act in a regulation made by the Minister pursuant to *section 4*. 15
- (2) The Minister shall publish on the internet and maintain a list of all territories for the time being constituting a relevant occupied territory under this section.

Regulations

4. (1) The Minister may make regulations for the purposes of enabling any provision of this Act to have full effect. 20
- (2) Every regulation made by the Minister, including a regulation made pursuant to *section 3(1)(d)*, shall be laid before each House of the Oireachtas as soon as practicable after they are made and, if a resolution annulling the regulation, order or rules is passed by either House within the next subsequent 21 days on which that House has sat after the regulation, order or rules are laid before it, the regulation, order or rules shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 25
- (3) Regulations made under this Act may—
- (a) include such consequential, incidental, transitional or supplementary provisions as may be considered by the Minister, as the case may be, to be necessary or appropriate for the purposes of this Act, and 30
 - (b) apply, either generally or by reference, to a specified class or classes of persons or to any other matter as may be considered by the Minister to be appropriate.
- (4) The Minister may make regulations prescribing a territory as being a relevant occupied territory within the meaning of *section 3*. 35

PART 2

SETTLEMENT GOODS, SERVICES AND NATURAL RESOURCES

Extra-territorial application of this Act

5. (1) This section applies to—
- (a) a person who is an Irish citizen or ordinarily resident in the State, 5
 - (b) a company incorporated under Companies Act 2014, and
 - (c) an unincorporated body whose centre of control is exercised in Ireland.
- (2) A person or entity to whom this section applies, whether through an act or omission outside the State commits an offence under this Act is guilty of an offence and liable upon conviction to the penalty attached to the offence as if committed in Ireland. 10

Importation of settlement goods

6. (1) It shall be an offence for a person to import or attempt to import settlement goods.
- (2) It shall be an offence for a person to assist another person to import or attempt to import settlement goods.
- (3) For the purpose of the Customs Act 2015, the import of settlement goods is hereby prohibited. 15

Sale of settlement goods

7. (1) It shall be an offence for a person to sell or attempt to sell settlement goods.
- (2) It shall be an offence for a person to assist another person to sell or attempt to sell settlement goods. 20

Provision of a settlement service

8. (1) It shall be an offence for a person to provide or attempt to provide a settlement service.
- (2) It shall be an offence for a person to assist another person to provide or attempt to provide a settlement service. 25

Extraction of resources from a relevant occupied territory

9. (1) It shall be an offence for a person to engage or attempt to engage in the extraction of resources from a relevant occupied territory or its associated territorial waters.
- (2) It shall be an offence for a person to assist another person to engage in the extraction of resources from a relevant occupied territory or its associated territorial waters 30

PART 3

PENALTIES AND DEFENCES

Penalties

- 10.** (1) A person who is guilty of an offence under *section 6, 7, 8 or 9* is liable
- (a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or to both, and 5
 - (b) on conviction on indictment to a fine not exceeding €250,000 or imprisonment for a term not exceeding 5 years or to both.
- (2) Where an offence referred to in *subsection (1)* has been 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, when the offence was committed, 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. 10 15
- (3) Where the affairs of a body corporate are managed by its members, *subsection (2)* 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.

Defences

- 11.** Where a person is charged with an offence under *section 6, 7, 8, or 9*, it shall be a defence for that person to show that— 20
- (a) the act or omission which is the subject of the alleged offence was carried out with the consent of an entity or form of authority which is recognised by the State as being the legitimate authority over that relevant occupied territory, 25
 - (b) the goods or service in question were not produced within a relevant occupied territory by an illegal settler,
 - (c) the goods or service in question were not produced by an illegal settler, or
 - (d) the natural resources in question do not originate within a relevant occupied territory. 30

An Bille um Ghníomhaíocht Eacnamaíoch a
Rialú (Críocha faoi Fhorghabháil), 2018

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do thabhairt éifeacht d'oibleagáidí an Stáit a eascraíonn faoi Choinbhinsiún na Ginéive maidir le Cosaint Daoine Sibhialta in Aimsir Chogaidh, ar a dtugtar an Ceathrú Coinbhinsiún de chuid na Ginéive, agus faoin dlí daonchairdiúil idirnáisiúnta gnách; agus chun na críche sin do dhéanamh cion de dhuine d'allmhairiú nó do dhíol earraí nó seirbhísí ar de bhunadh críoch faoi fhorghabháil iad, nó acmhainní a asbhaint as críoch faoi fhorghabháil in imthosca áirithe; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Seanadóirí Prionsios Ní Dhuibhe, Alice-Mary Higgins, Lynn Ruane, Colette Kelleher, John G. Dolan, Grace O'Sullivan agus David Norris a thug isteach,

24 Eanáir, 2018

Control of Economic Activity (Occupied
Territories) Bill 2018

BILL

(as initiated)

entitled

An Act to give effect to the State's obligations arising under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and under customary international humanitarian law; and for that purpose to make it an offence for a person to import or sell goods or services originating in an occupied territory or to extract resources from an occupied territory in certain circumstances; and to provide for related matters.

Introduced by Senators Frances Black, Alice-Mary Higgins, Lynn Ruane, Colette Kelleher, John G. Dolan, Grace O'Sullivan and David Norris,

24th January, 2018
