

Criminal Justice for those aged under 18 in the Republic of Ireland

This information is compiled from online resources about the Criminal Justice System in the Republic of Ireland. This is a separate jurisdiction from Northern Ireland.

Definition of a child in criminal law

Until the introduction of the Children Act 2001 many expressions were used to identify someone within the scope of the juvenile justice system. Expressions such as minor, juvenile, youth offender and young person were commonplace. However, the word child is now defined by [Section 3 of the 2001 Act](#) to mean a person under the age of 18 years.

The Children Act 2001 does not distinguish between a child and a young person. Any provisions in earlier Acts distinguishing different classes of children (for example, young persons, minors, child) no longer exist.

Age of criminal responsibility

The age of criminal responsibility is covered by [Section 52 of the Children Act 2001](#) as amended by Section 129 of the [Criminal Justice Act 2006](#). This came into effect in October 2006, raising the age of criminal responsibility from 7 years of age to 12 years of age. This means that children who have not reached the age of 12 years cannot be charged with an offence. There is an exception, however, for children aged 10 or 11 who can be charged with murder, manslaughter, rape or aggravated sexual assault. In addition, where a child under 14 years of age is charged with an offence, no further proceedings can be taken without the consent of the [Director of Public Prosecutions](#).

Although the 2001 Act in general prohibits children under 12 years of age from being charged and convicted of a criminal offence, they do not enjoy total immunity from action being taken against them. [Section 53 of the Act](#) as amended by Section 130 of the Criminal Justice Act 2006 places an onus on the Gardai to take a child under 12 years of age to his/her parents or guardian, where they have reasonable grounds for believing that the child has committed an offence with which the child cannot be charged due to the child's age. Where this is not possible the Gardai will arrange for the child to be taken into the custody of the [Child and Family Agency \(Tusla\)](#) for the area in which the child normally resides. It is possible that children under 12 years of age who commit criminal offences will be dealt with by Tusla and not the criminal justice system.

Detention of a child

Under [Section 142 of the Children Act 2001](#), a court may impose a period of detention on a child. Children between the ages of 10 and 16 sentenced by the courts to a period of detention are sent to the [Oberstown Children Detention Campus](#). 17-year-olds sentenced after 31 March 2017 are also sent to the Oberstown Children Detention Campus. You can find out more in our document on the [detention of children](#).

Spent convictions

Under [Section 258 of the Children Act 2001](#) an offence committed by a child under the age of 18, for which they have been found guilty, can be automatically expunged from the record as if never committed, once certain conditions are met. *The conditions are as follows:*

- *The offence was committed before the child reached the age of 18 years*
- *The offence is not one required to be tried by the Central Criminal Court (such as murder or rape)*
- *At least 3 years have elapsed since the finding of guilt and*
- *The child has not been dealt with for another offence in that 3-year period*

If these conditions are met, they are no longer regarded under Irish law as having committed an offence. If they have received a caution or have been dealt with under the Probation of Offenders Act 1907, Section 258 also applies.

When looking for employment or applying for an educational course or insurance, they can claim to have a clean record. ***However, if they are travelling or emigrating to a country such as the USA or Australia, they are subject to that country's immigration laws and may have to disclose such convictions.***

Notes on Sources

AccessNI – Filtering, AccessNI and Criminal record check information

Gov.uk – Age of Criminal Responsibility

Mygov.scot – Scottish legislation on age of criminal responsibility

Disclosure Scotland

Nicva.org – Disclosure of Criminal convictions

Sterlingcheck.co.uk – Disclosing criminal convictions

Citizensinformation.ie – Justice system for under 18s in the Republic of Ireland

Youth justice NI - Guide to types of convictions for under 18s and due process

DOJ Filtering guidelines

For any further information, please contact Niacro on

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