



**An Bille um an gCeathrú Leasú is Tríocha ar an mBunreacht (Ceapacháin
Bhreithiúnacha), 2013**

Thirty-fourth Amendment to the Constitution (Judicial Appointments) Bill 2013

Mar a tionscnaíodh

As initiated



**THIRTY-FOURTH AMENDMENT TO THE CONSTITUTION (JUDICIAL
APPOINTMENTS) BILL 2013**

As initiated

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**AN BILLE UM AN gCEATHRU LEASÚ IS TRÍOCHA AR AN mBUNREACTH
(CEAPACHÁIN BHREITHIÚNACHA), 2013**

Mar a tionscnaíodh

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**THIRTY-FOURTH AMENDMENT TO THE CONSTITUTION (JUDICIAL
APPOINTMENTS) BILL 2013**

Bill

entitled

An Act to amend the Constitution.

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WHEREAS by virtue of Article 46 of the Constitution any provision of the Constitution may be amended in the manner provided by that article:

AND WHEREAS it is proposed to amend Article 35 of the Constitution:

Be it enacted by the Oireachtas as follows:

Amendment of Article 35 of the Constitution

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1. Article 35 of the Constitution is hereby amended as follows:

- (a) section 1 of both the Irish text and the English text shall be repealed,
- (b) the sections, the text of which are set out in *Part 1* of the *Schedule* to this Act, shall be inserted before section 2 of the of Irish text,
- (c) the sections, the text of which are set out in *Part 2* of the *Schedule* to this Act, shall be inserted before section 2 of the English text, and
- (d) section 2 of both texts shall be numbered as section 5.

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Citation

2. (1) The amendments of the Constitution effected by this Act shall be collectively known as and may for all purposes be collectively referred to as the Thirty-fourth Amendment of the Constitution.
- (2) This Act may be cited as the Thirty-fourth Amendment of the Constitution (Judicial Appointments) Act 2013.

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AN BILLE UM AN gCEATHRU LEASÚ IS TRÍOCHA AR AN mBUNREACTH
(CEAPACHÁIN BHREITHIÚNACHA), 2013

Bill

dá ngairtear

Acht chun an Bunreacht a leasú. 5

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreacht, foráil ar bith den Bhunreacht a leasú ar an modh a shocraítear leis an airteagal sin:

AGUS DE BHRÍ go bhfuil beartaithe Airteagal 35 den Bhunreacht a leasú:

Achtaítear ag an Oireachtas ar an ábhar sin mar a leanas:

Airteagal 35 den Bhunreacht a leasú 10

1. Leasaítear Airteagal 35 den Bhunreacht leis seo mar a leanas:

- (a) aisghairfear alt 1 den téacs Gaeilge agus den téacs Sacs-Bhéarla araon,
- (b) cuirfear na hailt a bhfuil an téacs díobh leagtha amach i *gCuid 1* den *Sceideal* a ghabhann leis an Acht seo isteach roimh alt 2 den téacs Gaeilge,
- (c) cuirfear na hailt a bhfuil an téacs díobh leagtha amach i *gCuid 2* den *Sceideal* a ghabhann leis an Acht seo isteach roimh alt 2 den téacs Sacs-Bhéarla, agus 15
- (d) uimhreoífar alt 2 den dá théacs mar alt 5.

Lua

- 2. (1) An Ceathrú Leasú is Tríocha ar an mBunreacht a thabharfar ar na leasuithe le chéile a dhéantar ar an mBunreacht leis an Acht seo agus is cead, chun gach críche, an t-ainm sin a ghairm de na leasuithe sin le chéile. 20
- (2) Féadfar an tAcht um an gCeathrú Leasú is Tríocha ar an mBunreacht (Ceapacháin Bhreithiúnacha), 2013 a ghairm den Acht seo.

SCHEDULE

PART 1

1. Is ag an Uachtarán a cheapfar breithiúna na Cúirte Uachtaraí, na hArd-Chúirte agus an uile Chúirte eile a bhunaítear de bhun Airteagal 34 den Bhunreacht seo, arna n-ainmniú sin ag comhchoiste de dhá Theach an Oireachtais ar mhodh dá socraítear le dlí. 5
2. Déanfaidh Comhairle um Cheapacháin Bhreithiúnacha ar a mbeidh daoine as raon leathan sa tsochaí, ar mhodh dá socraítear le dlí, iarrthóirí a bheidh cáilithe go hoiriúnach a mholadh, de réir tuillteanais, chun a mbreithnithe ag comhchoiste de Thithe an Oireachtais lena n-ainmniú le haghaidh ceapachán mar bheirtheamh ag an Uachtarán. 10
3. Ní cead aon chomhalta den bhreithiúnacht ná de chomhlacht ionadaitheach dlí a bheith ina chomhalta den Chomhairle um Cheapacháin Bhreithiúnacha.
4. Chun críocha an ailt seo, comhaltaí de Thithe an Oireachtais, nach bhfuil an tromlach díobh cleamhnaithe le páirtithe polaitíochta an Rialtais, a bheidh ar an gcomhchoiste a cheapfar go cuí. 15

PART 2

1. The judges of the Supreme Court, the High Court and all other Courts established in pursuant to Article 34 hereof shall, be appointed by the President, on the nomination of a joint committee of both Houses of the Oireachtas in a manner provided for by law. 20
2. A Judicial Appointments Council, composed of persons drawn from a broad spectrum in society, in a manner provided for by law, shall recommend suitably qualified candidates on merit for the consideration of a joint committee of the Houses of the Oireachtas for nomination for appointment of a judge by the President. 25
3. No member of the judiciary or of a legal representative body shall be a member of the Judicial Appointments Council.
4. For the purposes of this section, the joint committee duly appointed shall be composed of members of the Houses of the Oireachtas, the majority of whom are not affiliated to the political parties who form the Government. 30

AN SCEIDEAL

CUID 1

1. Is ag an Uachtarán a cheapfar breithiúna na Cúirte Uachtaraí, na hArd-Chúirte agus an uile Chúirte eile a bhunaítear de bhun Airteagal 34 den Bhunreacht seo, arna n-ainmniú sin ag comhchoiste de dhá Theach an Oireachtais ar mhodh dá socraítear le dlí. 5
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CUID 2

1. The judges of the Supreme Court, the High Court and all other Courts established in pursuant to Article 34 hereof shall, be appointed by the President, on the nomination of a joint committee of both Houses of the Oireachtas in a manner provided for by law. 20
2. A Judicial Appointments Council, composed of persons drawn from a broad spectrum in society, in a manner provided for by law, shall recommend suitably qualified candidates on merit for the consideration of a joint committee of the Houses of the Oireachtas for nomination for appointment of a judge by the President. 25
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BILL

(as initiated)

entitled

An Act to amend the Constitution.

*Introduced by Deputy Shane Ross,
5th November, 2013*

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an mBunreacht (Ceapacháin
Bhreithiúnacha), 2013

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht chun an Bunreacht a leasú.

*An Teachta Seán de Rossa a thug isteach,
5 Samhain, 2013*

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
no trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27

ISBN 978-1-4468-0530-5



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