



THIRTY-SECOND AMENDMENT OF THE CONSTITUTION (ABOLITION OF SEANAD ÉIREANN) BILL 2013

EXPLANATORY MEMORANDUM

Purpose of Bill

The Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill 2013 provides that Seanad Éireann is to be abolished and, in consequence of its abolition, amends provisions of the Constitution that confer functions on Seanad Éireann or that are premised on the existence of that House.

Provisions of Bill

Section 1 provides that “the abolition day” will be as defined in *Section 2*.

Section 2 provides for the amendment of the Constitution by the insertion, after Article 19, of the text of *Schedule 1* of the Bill. (The Schedules are described below.)

Section 3 provides for the amendment, from the abolition day, of *Article 15.1.2°* of the Constitution by the insertion of the text of *Schedule 2* of the Bill.

Section 4 provides for the amendment, from the abolition day, of every Article of the Constitution mentioned in the second column of *Schedule 3* in the manner stated in the third column of the Schedule.

Section 4 also provides for the amendment of the Constitution by the insertion, from the abolition day, of the text of *Schedule 4* of the Bill after *Article 50*.

Section 5 provides that the amendments of the Constitution effected by the Act shall be collectively known as the Thirty-second Amendment of the Constitution and that the Act may be cited as the Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Act 2013.

Abolition of Seanad Éireann

Schedule 1 inserts (in the Irish and English texts) a new *Article 19A* into the Constitution to provide that Seanad Éireann shall stand abolished from midnight on the day immediately before that on



AN BILLE UM AN DARA LEASÚ IS TRÍOCHA AR AN mBUNREACT (DEIREADH A CHUR LE SEANAD ÉIREANN), 2013

MEABHRÁN MÍNITHEACH

Cuspóir an Bhille

Leis an mBille um an Dara Leasú is Tríocha ar an mBunreacht (Deireadh a Chur le Seanad Éireann), 2013, déantar socrú go gcuirfear deireadh le Seanad Éireann agus, de dhroim deireadh a chur leis, leasaítear forálacha den Bhunreacht lena dtugtar feidhmeanna do Sheanad Éireann nó atá bunaithe ar an Teach sin a bheith ann.

Forálacha an Bhille

Déantar socrú le *hAlt 1* go mbeidh “an lá a chuirfear deireadh le Seanad Éireann” mar a mhínítear é in *Alt 2*.

Déantar socrú le *hAlt 2* maidir leis an mBunreacht a leasú trí théacs *Sceideal 1* a ghabhann leis an mBille a chur isteach i ndiaidh *Airteagal 19*. (Tuairiscítear na Sceidil anseo thíos.)

Déantar socrú le *hAlt 3* chun *Airteagal 15.1.2°* den Bhunreacht a leasú, ón lá a chuirfear deireadh le Seanad Éireann, trí théacs *Sceideal 2* a ghabhann leis an mBille a chur isteach.

Déantar socrú le *hAlt 4* chun gach *Airteagal* den Bhunreacht a luaitear sa dara colún de *Sceideal 3* a leasú, ón lá a chuirfear deireadh le Seanad Éireann, ar an modh a deirtear sa tríú colún den *Sceideal*.

Déantar socrú freisin le *hAlt 4* chun an Bunreacht a leasú, ón lá a chuirfear deireadh le Seanad Éireann, trí théacs *Sceideal 4* a ghabhann leis an mBille a chur isteach i ndiaidh *Airteagal 50*.

Déantar socrú le *hAlt 5* gurb é an Dara Leasú is Tríocha ar an mBunreacht a thabharfar ar na leasuithe le chéile a dhéantar ar an mBunreacht leis an Acht agus go bhféadfar an tAcht um an Dara Leasú is Tríocha ar an mBunreacht (Deireadh a Chur le Seanad Éireann), 2013 a ghairm den Acht.

Deireadh a chur le Seanad Éireann

Déantar, le *Sceideal 1*, *Airteagal* nua *19A* a chur isteach sa Bhunreacht (sa téacs Gaeilge agus sa téacs Sacs-Bhéarla) chun a shocrú go mbeidh deireadh arna chur le Seanad Éireann ó mheán

which Dáil Éireann first meets after the next general election following enactment of the Bill. This is defined in *Section 1* as “the abolition day”, a term used in other parts of the Bill also.

Schedule 1 also provides that no general election for Seanad Éireann shall take place after the dissolution of Dáil Éireann that next occurs after the enactment of the Bill.

Schedule 1 also provides that *Article 19A* will be omitted from every official text of the Constitution published after the abolition day.

Reconstitution of National Parliament

Schedule 2 amends (in the Irish and English texts) *Article 15.1.2°* to provide that the Oireachtas shall consist (only) of the President and a House of Representatives to be called Dáil Éireann.

Other amendments to the Constitution

Schedule 3 contains (in the Irish and English texts) amendments to various Articles of the Constitution as a consequence of the abolition of Seanad Éireann. The Articles involved, and the amendments proposed, are as follows.

Article 12.4.2° i will be amended to provide that not less than 14 persons, each of whom is at the time a member of Dáil Éireann, may nominate a candidate for President. At present a nomination under this provision requires not less than 20 members of the Houses of the Oireachtas.

Article 12.6.1° and *2°* will be amended to provide that the President shall not be a member of Dáil Éireann, and that a member who is elected President shall be deemed to have vacated his or her seat. These provisions currently apply in respect of both Houses of the Oireachtas.

Article 12.8, which provides that the Presidential declaration on entering office is to be taken in the presence of members of both Houses of the Oireachtas among others, will be amended by the substitution of Dáil Éireann for the reference to both Houses of the Oireachtas.

Articles 12.10.2° to 12.10.5°, 12.10.7° and 13.8.2° will be amended to require that a resolution to investigate a charge against the President and, after the investigation, a resolution to declare that the charge has been sustained and remove the President, must each be passed by not less than four-fifths of the total membership of Dáil Éireann. At present the second resolution, if it arose, would have to be voted on by whichever of the two Houses had not voted on the first, and each resolution would require a two-thirds majority of the total membership of the House that was voting on it.

Article 13.2.3°, 13.3.1°, 13.7.1° and 13.8.1°, which deal with powers and functions of the President, will be amended by the substitution of Dáil Éireann for references to the Houses of the Oireachtas.

Article 14.2.1°, 3° and 4° will be amended to provide that the Deputy Chairman of Dáil Éireann shall replace the Chairman of Seanad Éireann on the Presidential Commission and also to provide

oíche ar an lá díreach roimh an lá a thiofadh Dáil Éireann le chéile den chéad uair tar éis an olltoghcháin is túisce a bheidh ann tar éis an Bille a achtú. Déantar é sin a mhíniú in *Alt 1* mar “an lá a chuirfear deireadh le Seanad Éireann”, is téarma a úsáidtear i gcodanna eile den Bhille freisin.

Déantar socrú freisin le *Sceideal 1* nach mbeidh aon olltoghchán do Sheanad Éireann ann tar éis an lánscoir ar Dháil Éireann is túisce a tharlóidh tar éis an Bille a achtú.

Déantar socrú freisin le *Sceideal 1* go ndéanfar *Airteagal 19A* a fhágáil ar lár as gach téacs oifigiúil den Bhunreacht a fhoilseofar tar éis an lae a chuirfear deireadh le Seanad Éireann.

An Pharlaimint Náisiúnta a athchomhdhéanamh

Déantar, le *Sceideal 2*, *Airteagal 15.1.2°* a leasú (sa téacs Gaeilge agus sa téacs Sacs-Bhéarla) chun a shocrú go mbeidh san Oireachtas an tUachtarán agus Teach Ionadóirí ar a dtabharfar Dáil Éireann (agus iad sin amháin).

Leasuithe eile ar an mBunreacht

Leagtar amach i *Sceideal 3* (sa téacs Gaeilge agus sa téacs Sacs-Bhéarla) leasuithe ar *Airteagail* éagsúla den Bhunreacht de dhroim deireadh a chur le Seanad Éireann. Is iad seo a leanas na h*Airteagail* atá i gceist agus na leasuithe atá beartaithe.

Déanfar *Airteagal 12.4.2°* i a leasú chun a shocrú go bhféadfaidh 14 dhuine ar a laghad, agus gach duine faoi leith díobh sin ina chomhalta, in alt na huaire, de Dháil Éireann, iarrthóir d'oifig an Uachtaráin a ainmniú. Ní foláir do 20 comhalta ar a laghad de Thithe an Oireachtais iarrthóir a ainmniú faoin bhforáil seo faoi láthair.

Déanfar *Airteagal 12.6.1°* agus *2°* a leasú chun a shocrú nach mbeidh an tUachtarán ina chomhalta de Dháil Éireann agus chun a shocrú nach foláir a mheas go bhfuil scartha ag comhalta a thoghtar chun bheith ina Uachtarán le comhaltas an Tí sin. Tá feidhm ag na forálacha sin maidir leis an dá Theach den Oireachtas i láthair na huaire.

Déanfar *Airteagal 12.8*, lena ndéantar socrú go ndéanfar dearbhú an Uachtaráin ar é do dhul i gcúram a oifige i bhfianaise chomhaltaí den dá Theach den Oireachtas i measc daoine eile, a leasú trí thagairt do Dháil Éireann a chur in ionad na tagartha don dá Theach den Oireachtas.

Déanfar *Airteagail 12.10.2° go 12.10.5°, 12.10.7°* agus *13.8.2°* a leasú chun a cheangal nach foláir do cheithre chúigiú ar a laghad de lánchomhaltas Dháil Éireann rún a rith chun cúis in aghaidh an Uachtaráin a scrúdú agus, i ndiaidh an scrúdaithe, rún a rith chun a dhearbhu gur suíodh an chúis agus chun an tUachtarán a chur as oifig. Faoi láthair, níorbh fholáir do cheachtar den dá Theach nár vótáil ar an gcéad rún vótáil ar an dara rún, dá n-eascródh sé, agus níorbh fholáir tromlach dhá thrían de lánchomhaltas an Tí a bheadh ag vótáil air a bheith ag gach ceann de na rúin.

Déanfar *Airteagal 13.2.3°, 13.3.1°, 13.7.1°* agus *13.8.1°*, a bhaineann le cumhachtaí agus feidhmeanna an Uachtaráin, a leasú trí thagairtí do Dháil Éireann a chur in ionad na dtagairtí do Thithe an Oireachtais.

Déanfar *Airteagal 14.2.1°, 3°* agus *4°* a leasú chun a shocrú go nglacfaidh Leas-Chathaoirleach Dháil Éireann ionad Chathaoirleach Sheanad Éireann ar Choimisiún an Uachtaráin agus chun a shocrú

that Dáil Éireann shall select, when or as soon as may be after it re-assembles following a general election, two members to act as substitutes for the Chairman and Deputy Chairman of Dáil Éireann should either be unable to act on the Presidential Commission, or if one or both of the posts are vacant.

Article 15.1.3°, 15.8 to 15.13 and 15.15, which deal with privileges, rules, procedures, etc. of the Houses and members, will be amended by the substitution of Dáil Éireann for the references to the Houses of the Oireachtas.

Article 15.14, which provides that a person cannot be a member of both Houses at the same time, will be deleted. *Article 15.15* will be re-numbered *15.14* and Dáil Éireann will be substituted in it for the reference to each House.

Articles 18 and 19, which deal with the composition of Seanad Éireann and the election and nomination of its members, will be deleted.

Articles 20 and 21, which deal with the relationship between Dáil Éireann and Seanad Éireann in relation to legislation, will be deleted.

Article 22.2.2° will be amended to provide that a certificate by the Chairman of Dáil Éireann that a Bill is, in the Chairman's opinion, a Money Bill shall be final and conclusive unless Dáil Éireann resolves otherwise. At present, where the Chairman certifies a Bill to be a Money Bill, Seanad Éireann, at a sitting with not less than 30 members present, can request the President to appoint a Committee of Privileges to determine the matter.

Articles 23 and 24 will be deleted. They deal, respectively, with the length of time within which Seanad Éireann is to consider Bills and the possibility of the shortening of that time on foot of a certificate by the Taoiseach that a Bill is immediately necessary for security or emergency reasons.

Article 25.1, which deals with the signing and promulgation of laws by the President, will be amended by the substitution of Dáil Éireann for the reference to the Houses of the Oireachtas.

Article 25.2.2° will be amended to provide that the Government, with the prior concurrence of Dáil Éireann, may request the President to sign a Bill earlier than the fifth day after it is presented for signature. At present it is the prior concurrence of Seanad Éireann that is required.

Article 25.3, which deals with the signing by the President of Bills the time for consideration of which by Seanad Éireann has been shortened under *Article 24*, will be deleted. As a consequence, *sections 4 and 5* will be re-numbered *3 and 4* respectively. *Subsection 3°* of the new *section 3* will be amended by the substitution of Dáil Éireann for the reference to the Houses of the Oireachtas.

Article 26, which deals with the reference of Bills by the President to the Supreme Court, will be amended in the first sentence of the Article by the substitution of Dáil Éireann for the reference to the Houses of the Oireachtas. *Subsection 3.2°*, as a consequence of the deletion of *Article 27* (see below), will be deleted and *subsection 3.3°* will be re-numbered accordingly.

freisin go ndéanfaidh Dáil Éireann, ar í d'ationól tar éis olltoghcháin nó chomh luath agus is féidir é ina dhiaidh sin, beirt chomhaltaí a roghnú chun gníomhú in ionad Chathaoirleach agus Leas-Chathaoirleach Dháil Éireann aon uair a bheidh ceachtar den bheirt gan bheith i gcumas gníomhaithe ar Choimisiún an Uachtaráin nó a bheidh ceann amháin de na poist sin nó an dá cheann folamh.

Déanfar *Airteagal 15.1.3°, 15.8 go 15.13 agus 15.15*, a bhaineann le pribhléidí, rialacha, nósanna imeachta, etc. na dTithe agus na gcomhaltaí, a leasú trí thagairtí do Dháil Éireann a chur in ionad na dtagairtí do Thithe an Oireachtais.

Déanfar *Airteagal 15.14*, lena ndéantar socrú nach féidir le duine bheith ina chomhalta den dá Theach den Oireachtas san am chéanna, a scriosadh. Déanfar *Airteagal 15.15* a athuimhriú mar *15.14* agus cuirfear tagairt do Dháil Éireann in ionad na tagartha do gach Teach san alt sin.

Déanfar *Airteagail 18 agus 19*, a bhaineann le comhdhéanamh Sheanad Éireann agus le toghadh agus ainmniú a chomhaltaí, a scriosadh.

Déanfar *Airteagail 20 agus 21*, a bhaineann leis an gcaidreamh idir Dáil Éireann agus Seanad Éireann i ndáil le reachtaíocht, a scriosadh.

Déanfar *Airteagal 22.2 .2°* a leasú chun a shocrú nach mbeidh dul thar deimhniú ó Chathaoirleach Dháil Éireann, más é tuairim an Chathaoirligh gur Bille Airgid Bille, mura ritheann Dáil Éireann rún dá mhalairt. Faoi láthair, i gcás go ndéanann an Cathaoirleach a dheimhniú gur Bille Airgid Bille, féadfaidh Seanad Éireann, i dtionól nach mbeidh níos lú ná 30 comhalta i láthair ann, a iarraidh ar an Uachtarán Coiste Pribhléidí a cheapadh chun an ní a chinneadh.

Déanfar *Airteagail 23 agus 24* a scriosadh. Baineann siad, faoi seach, le fad na tréimhse atá ag Seanad Éireann chun Billí a bhreithniú agus leis an bhféidearthacht an tréimhse sin a ghiorrú ar scór deimhniú ón Taoiseach go bhfuil riachtanas leis an mBille sin láithreach ar ábhair slándála nó éigeandála.

Déanfar *Airteagal 25.1*, a bhaineann leis an Uachtarán do chur a láimhe le dlíthe agus d'fhógairt na ndlíthe sin, a leasú trí thagairt do Dháil Éireann a chur in ionad na tagartha do Thithe an Oireachtais.

Déanfar *Airteagal 25.2.2°* a leasú chun a shocrú go bhféadfaidh an Rialtas, le comhthoil Dháil Éireann roimh ré, a iarraidh ar an Uachtarán a lámh a chur le Bille níos luaithe ná an cúigiú lá tar éis é a thairiscint lena shíniú. Faoi láthair, is é comhthoil Sheanad Éireann roimh ré a theastaíonn.

Déanfar *Airteagal 25.3*, a bhaineann leis an Uachtarán do chur a láimhe le Billí a ndearnadh an tréimhse chun a mbreithnithe ag Seanad Éireann a ghiorrú faoi *Airteagal 24*, a scriosadh. Dá dhroim sin, déanfar *ailt 4 agus 5* a athuimhriú mar *3 agus 4*, faoi seach. Déanfar *fo-alt 3°* den *alt* nua *3* a leasú trí thagairt do Dháil Éireann a chur in ionad na tagartha do Thithe an Oireachtais.

Déanfar *Airteagal 26*, a bhaineann leis an Uachtarán do chur Billí faoi bhreith na Cúirte Uachtaraí, a leasú sa chéad abairt den *Airteagal* trí thagairt do Dháil Éireann a chur in ionad na tagartha do Thithe an Oireachtais. Déanfar *fo-alt 3.2°* a scriosadh de dhroim *Airteagal 27* a scriosadh (féach thíos), agus déanfar *fo-alt 3.3°* a athuimhriú dá réir sin.

Article 27 will be deleted. This Article provides for the possibility of a petition from a majority of the members of Seanad Éireann, and at least one-third of the members of Dáil Éireann, to the President to refer to the people a Bill deemed to be passed by both Houses on the grounds that the Bill contains a proposal of such national importance that the will of the people thereon ought to be ascertained.

Article 28.3.3°, 28.4.3° ii and 28.8, which deal with the Government, will be amended by the substitution of Dáil Éireann for references to the Houses of the Oireachtas, with a saver in relation to tribunals of inquiry appointed on the authority of both Houses.

Article 28.7 will be amended to provide that members of the Government must be members of Dáil Éireann. At present up to two members (though not the Taoiseach, Tánaiste or Minister for Finance) may be members of Seanad Éireann.

Article 29.4.7° and 8°, which confer power on the State under certain provisions of the Treaty of Lisbon subject to the prior approval of both Houses of the Oireachtas, will be amended by the substitution of Dáil Éireann for the references to both Houses of the Oireachtas.

Article 31 will be amended to provide that the Deputy Chairman of Dáil Éireann shall replace the Chairman of the Seanad as an ex-officio member of the Council of State.

Article 33.3, which provides that the Comptroller and Auditor General shall not be a member of either House of the Oireachtas, will be amended by the substitution of Dáil Éireann for the reference to either House.

Article 33.5 will be amended to provide that a resolution calling for the removal from office of the Comptroller and Auditor General must be passed by not less than two-thirds of the total membership of Dáil Éireann. At present such a resolution would require to be passed by Dáil Éireann and by Seanad Éireann.

Article 35.3, which provides that no judge shall be eligible to be a member of either House of the Oireachtas, will be amended by the substitution of Dáil Éireann for the reference to either House.

Article 35.4 will be amended to provide that a resolution calling for the removal from office of a judge of the Supreme Court or High Court must be passed by not less than two-thirds of the total membership of Dáil Éireann. At present such a resolution would require to be passed by Dáil Éireann and by Seanad Éireann.

Article 40.6.1° ii, which deals inter alia with public meetings in the vicinity of the Houses of the Oireachtas, will be amended by the substitution of Dáil Éireann for the reference to the Houses of the Oireachtas.

Article 46.2, which deals with Amendments to the Constitution, will be amended by the substitution of Dáil Éireann for the reference to the Houses of the Oireachtas.

Article 47.2 will be deleted in consequence of the deletion of *Article 27*, and *sections 3 and 4* will be re-numbered *2 and 3* respectively.

Scríosfar *Airteagal 27*. Déantar socrú leis an Airteagal sin chun go bhféadfaidh tromlach de chomhaltaí Sheanad Éireann, i bhfochair trian ar a laghad de chomhaltaí Dháil Éireann, achainí a chur chun an Uachtarán chun Bille a mheastar a bheith rite ag an dá Theach a chur faoi bhreith an phobail toisc togra a bheith ann ina bhfuil an oiread sin tábhacht náisiúnta gur chóir breith an phobail a fháil air.

Déanfar *Airteagal 28.3.3º, 28.4.3º ii* agus 28.8, a bhaineann leis an Rialtas, a leasú trí thagairtí do Dháil Éireann a chur in ionad tagairtí do Thithe an Oireachtais, maille le cosaint i ndáil le binsí fiosrúcháin arna gceapadh ar údarás an dá Theach.

Déanfar *Airteagal 28.7* a leasú chun a shocrú nach foláir do chomhaltaí den Rialtas a bheith ina gcomhaltaí de Dháil Éireann. Faoi láthair, is dleathach do bheirt chomhaltaí ar a mhéad (ach ní an Taoiseach, an Tánaiste ná an tAire Airgeadais) a bheith ina gcomhaltaí de Sheanad Éireann.

Déanfar *Airteagal 29.4.7º* agus 8º, lena dtugtar cumhacht don Stát faoi fhorálacha áirithe de Chonradh Liospóin faoi réir ceadú roimh ré ó dhá Theach an Oireachtais, a leasú trí thagairtí do Dháil Éireann a chur in ionad na dtagairtí do dhá Theach an Oireachtais.

Déanfar *Airteagal 31* a leasú chun a shocrú go nglacfaidh Leas-Chathaoirleach Dháil Éireann ionad Chathaoirleach an tSeanaid mar chomhalta *ex-officio* den Chomhairle Stáit.

Déanfar *Airteagal 33.3*, lena ndéantar socrú nach mbeidh an tArd-Reachtair Cuntas agus Ciste ina chomhalta de cheachtar de Thithe an Oireachtais, a leasú trí thagairt do Dháil Éireann a chur in ionad na tagartha do cheachtar de Thithe an Oireachtais.

Déanfar *Airteagal 33.5* a leasú chun a shocrú nach foláir rún á éileamh an tArd-Reachtair Cuntas agus Ciste a chur as oifig a bheith rite ag líon nach lú ná dhá thrían de lánchomhaltas Dháil Éireann. Faoi láthair, ní foláir do Dháil Éireann agus do Sheanad Éireann rún den sórt sin a rith.

Déanfar *Airteagal 35.3*, lena ndéantar socrú nach cead aon bhreitheamh a bheith ina chomhalta de cheachtar de Thithe an Oireachtais, a leasú trí Dháil Éireann a chur in ionad na tagartha do cheachtar Teach.

Déanfar *Airteagal 35.4* a leasú chun a shocrú nach foláir rún á éileamh breitheamh den Chúirt Uachtarach nó den Ard-Chúirt a chur as oifig a bheith rite ag líon nach lú ná dhá thrían de lánchomhaltas Dháil Éireann. Faoi láthair, ní foláir do Dháil Éireann agus do Sheanad Éireann rún den sórt sin a rith.

Déanfar *Airteagal 40.6.1º ii*, a bhaineann, *inter alia*, le tionóil phoiblí i gcóngar Thithe an Oireachtais, a leasú trí thagairt do Dháil Éireann a chur in ionad na tagartha do Thithe an Oireachtais.

Déanfar *Airteagal 46.2*, a bhaineann le Leasuithe ar an mBunrecht, a leasú trí thagairt do Dháil Éireann a chur in ionad na tagartha do Thithe an Oireachtais.

Déanfar *Airteagal 47.2* a scríosadh de dhroim *Airteagal 27* a scríosadh, agus déanfar *ailt 3* agus *4* a athuimhriú mar *2* agus *3*, faoi seach.

Articles 53 and 55 are part of the Transitory Provisions (Articles 51-63) of the Constitution, which provided for the transition between the Irish Free State and the new State created by the 1937 Constitution. The Transitory Provisions, as they themselves require, are not published in official texts of the Constitution. *Article 53* dealt with the election and assembly of Seanad Éireann after the coming into operation of the 1937 Constitution. *Article 55* dealt with the composition of the Oireachtas and the signing and promulgation of Bills passed by it in the period between the coming into operation of the Constitution and the entry into office of the President: it provided for the signing of Bills by the Presidential Commission during that period. Both Articles will now be deleted.

Transitional and supplementary provisions

Schedule 4 inserts (in the Irish and English texts) a new *Article 50A* into the Constitution, mainly to provide for transitional arrangements in the move from a bicameral to a unicameral parliamentary system.

Section 1 applies to this Article the definition of “the abolition day” already established earlier.

Section 2.1° provides that any Bill that is not passed, or deemed to have been passed, by both Houses of the Oireachtas before the abolition day will be deemed to have lapsed. The Bill, however, may be introduced or re-introduced in Dáil Éireann after the abolition day.

Section 2.2° provides that any Bill passed or deemed to have been passed by both Houses of the Oireachtas, but not enacted before the abolition day, can complete the process of signing and promulgation into law after the abolition day, subject to the provisions of *Articles 26* and *27* of the Constitution and notwithstanding the amendment of *Article 26* and the deletion of *Article 27* from the abolition day. Where steps under *Article 26* or *27* had begun to be taken in relation to a Bill, they can be completed.

Section 3 provides that a procedure to remove the President, the Comptroller and Auditor General or a judge of the Supreme or High Court under *Articles 12.10*, *33.5* or *35.4* that has not been completed prior to the abolition day will lapse, but the procedure can be initiated again after the abolition day under the new provisions of the Constitution set out in the Bill. The section also provides that the same will apply to a judge of any other court that may be established on or before abolition day on foot of a referendum.

If, however, in relation to removal of the Comptroller and Auditor General (*Article 33.5*) or a judge (*Article 35.4*), the only remaining procedure is for the President to be notified of and act on foot of resolutions from both Houses, the President may complete that procedure.

Section 4 provides that where an Article is deleted from the Constitution in consequence of the Thirty-second Amendment of the Constitution, every official text of the Constitution published after

Is cuid iad *Airteagail 53* agus *55* d'Fhorálacha Idirlinne (*Airteagail 51-63*) an Bhunreacht lena ndearnadh socrú don idirlinn idir Saorstát Éireann agus an Stát nua a bunaíodh le Bunreacht 1937. Ní dhéantar na Forálacha Idirlinne a fhoilsiú, de réir a gceanglais féin, sna téacsanna oifigiúla den Bhunreacht. Pléadh in *Airteagal 53* le Seanad Éireann a thoghadh agus a thionól tar éis theacht i ngníomh Bhunreacht 1937. In *Airteagal 55*, pléadh le comhdhéanamh an Oireachtais agus le Billí a shíniú agus a fhógairt, ar Billí iad arna rith aige sa tréimhse idir teacht i ngníomh an Bhunreacht agus teacht in oifig don Uachtarán: rinneadh socrú leis go síneodh Coimisiún an Uachtaráin Billí le linn na tréimhse sin. Déanfar an dá Airteagal sin a scríosadh anois.

Forálacha idirthréimhseacha agus forlíontacha

Déantar le *Sceideal 4 Airteagal* nua *50A* a chur isteach (sa téacs Gaeilge agus sa téacs Sacs-Bhéarla) sa Bhunreacht, go formhór chun socrú a dhéanamh maidir le socrúithe idirthréimhseacha le linn aistriú ó chóras parlaiminte dhá sheomra chuig córas parlaiminte aon seomra amháin.

Déantar le *hAlt 1* an míniú ar “an lá a chuirfear deireadh le Seanad Éireann”, a bunaíodh cheana, a chur i bhfeidhm maidir leis an Airteagal seo.

Déantar, le *hAlt 2.1°*, a shocrú go measfar aon Bhille nach ritear, nó nach meastar a ritheadh, ag dhá Theach an Oireachtais roimh an lá a chuirfear deireadh le Seanad Éireann a bheith tar éis titim ar lár. Féadfar an Bille a thabhairt isteach nó a thabhairt isteach an athuair, áfach, i nDáil Éireann tar éis an lae a chuirfear deireadh le Seanad Éireann.

Déantar, le *hAlt 2.2°*, a shocrú, maidir le haon Bhille a ritear, nó a mheastar a ritheadh, ag dhá Theach an Oireachtais, ach nár achtaíodh roimh an lá a chuirfear deireadh le Seanad Éireann, go bhféadfar próiseas a shíniú agus a fhógairt ina dhlí a chríochnú tar éis an lae a chuirfear deireadh le Seanad Éireann, faoi réir fhorálacha *Airteagail 26* agus *27* den Bhunreacht agus d'ainneoin *Airteagal 26* a leasú agus *Airteagal 27* a scríosadh ón lá a chuirfear deireadh le Seanad Éireann. I gcás ina mbeifear tar éis tosú ar nithe a dhéanamh faoi *Airteagal 26* nó *27* i ndáil le Bille, féadfar iad a chríochnú.

Déantar socrú le *hAlt 3*, maidir le nós imeachta chun an tUachtarán, an tArd-Reachtair Cuntas agus Ciste nó breitheamh den Chúirt Uachtarach nó den Ard-Chúirt a chur as oifig faoi *Airteagail 12.10*, *33.5* nó *35.4* nach mbeidh críochnaithe roimh an lá a chuirfear deireadh le Seanad Éireann, go dtitfidh sé ar lár, ach féadfar an nós imeachta a thionscnamh an athuair tar éis an lae a chuirfear deireadh le Seanad Éireann faoi na forálacha nua den Bhunreacht a leagtar amach sa Bhille. Déantar socrú freisin leis an alt go mbainfidh an céanna le breitheamh d'aon chúirt eile a bhunófar ar scór reifrinn an lá a chuirfear deireadh le Seanad Éireann nó roimhe sin.

Más rud é, áfach, i ndáil leis an Ard-Reachtair Cuntas agus Ciste (*Airteagal 33.5*) nó i ndáil le breitheamh (*Airteagal 35.4*) a chur as oifig, nach mbeidh sa nós imeachta a bheidh fós le cur i bhfeidhm ach go dtabharfar scéala don Uachtarán faoi rúin ón dá Theach agus go ngníomhóidh an tUachtarán ar scór rún den sórt sin, féadfaidh an tUachtarán an nós imeachta sin a chríochnú.

Déantar socrú le *hAlt 4*, maidir leis an áit ina scriostar Airteagal as an mBunreacht de dhroim an Dara Leasú is Tríocha ar an mBunreacht, go mbeidh, i ngach téacs oifigiúil den Bhunreacht a

the abolition date shall include in the appropriate place a statement to the effect that the Article was deleted by virtue of the Thirty-second Amendment of the Constitution.

Section 5 provides that *Article 50A* shall be omitted from every official text of the Constitution published after the abolition date.

Department of the Taoiseach,
June, 2013.

fhoilseofar tar éis an dáta a chuirfear deireadh le Seanad Éireann, san áit iomchuí, ráiteas á rá gur scriosadh an tAirteagal de bhua an Dara Leasú is Tríocha ar an mBunreacht.

Déantar socrú le *hAlt 5* go bhfágfar *Airteagal 50A* ar lár as gach téacs oifigiúil den Bhunreacht a fhoilseofar tar éis an dáta a chuirfear deireadh le Seanad Éireann.

*Roinn an Taoisigh,
Meitheamh, 2013.*