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Explanatory Memorandum](#)

**THIRTIETH AMENDMENT OF THE CONSTITUTION
(HOUSES OF THE OIREACHTAS INQUIRIES) BILL 2011**

As initiated

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Article 15 of Constitution.
2. Citation.

SCHEDULE

PART 1

PART 2



**AN BILLE UM AN TRÍOCHADÚ LEASÚ AR AN
mBUNREACT (FIOSRUITHE THITHE AN OIREACHTAIS),
2011**

Mar a tionscnaíodh

RIAR NA _NALT

Alt

1. Airteagal 15 den Bhunreacht a leasú.
2. Lua.

AN SCEIDEAL

CUID 1

CUID 2



**THIRTIETH AMENDMENT OF THE CONSTITUTION
(HOUSES OF THE OIREACHTAS INQUIRIES) BILL 2011**

BILL

entitled

AN ACT TO AMEND THE CONSTITUTION. 5

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 15 of the Constitution: 10

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Amendment of
Article 15 of
Constitution.

1.—Article 15 of the Constitution is hereby amended as follows:

- (a) the subsections, the text of which is set out in *Part 1* of the *Schedule*, shall be inserted in section 10 of the Irish text, 15
- (b) the subsections, the text of which is set out in *Part 2* of the *Schedule*, shall be inserted in section 10 of the English text, and
- (c) section 10 of both texts shall be numbered as subsection 1° of that section. 20

Citation.

2.—(1) The amendment of the Constitution effected by this Act shall be called the Thirtieth Amendment of the Constitution.

(2) This Act may be cited as the Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Act 2011.



**AN BILLE UM AN TRÍOCHADÚ LEASÚ AR AN
mBUNREACT (FIOSRUITHE THITHE AN OIREACHTAIS),
2011**

BILLE

5

dá ngairtear

ACHT CHUN AN BUNREACT A LEASÚ.

DE BHRÍ gur cead, de bhua Airteagal 46 den Bhunreact, aon fhoráil den Bhunreact a leasú ar an modh a shocraítear leis an Airteagal sin:

10 AGUS DE BHRÍ go bhfuil beartaithe Airteagal 15 den Bhunreact a leasú:

ACHTAÍTEAR AG AN OIREACHTAS AR AN ÁBHAR SIN
MAR A LEANAS:

1.—Leasaítear leis seo mar a leanas Airteagal 15 den Bhunreact: Airteagal 15 den
Bhunreact a leasú.

15 (a) cuirfear na fo-ailt a bhfuil an téacs díobh leagtha amach i *gCuid 1* den *Sceideal* isteach in alt 10 den téacs Gaeilge,

(b) cuirfear na fo-ailt a bhfuil an téacs díobh leagtha amach i *gCuid 2* den *Sceideal* isteach in alt 10 den téacs Sacs-Bhéarla, agus

20 (c) déanfar alt 10 den dá théacs a uimhriú mar fho-alt 1^o den alt sin.

2.—(1) An Tríochadú Leasú ar an mBunreact a thabharfar ar an Lua. leasú a dhéantar ar an mBunreact leis an Acht seo.

(2) Féadfar an tAcht um an Tríochadú Leasú ar an mBunreact
25 (Fiosruithe Thithe an Oireachtais), 2011 a ghairm den Acht seo.

SCHEDULE

PART 1

2° Beidh an chumhacht ag gach Teach fiosrú a stiúradh, nó fiosrú a stiúradh i dteannta an Tí eile, ar mhodh a ndéantar socrú ina chomhair le dlí, faoi aon ní a luafaidh an Teach sin nó na Tithe sin ina thaobh go bhfuil tábhacht phoiblí ghinearálta ann. 5

3° I gcúrsa aon fhiosraithe den sórt sin, féadfar fiosrú a dhéanamh faoi iompraíocht aon duine (cibé acu is comhalta de cheachtar Teach an duine nó nach ea) agus féadfaidh an Teach sin nó na Tithe sin fionnachtana a dhéanamh maidir le hiompraíocht an duine sin i dtaca leis an ní lena mbaineann an fiosrú. 10

4° Is faoin Teach sin nó faoi na Tithe sin a bheidh sé an chóimheá chuí idir cearta daoine agus an leas poiblí a chinneadh chun a chur in áirithe go ndéanfar fiosrú éifeachtach faoi aon ní lena mbaineann fo-alt 2°. 15

PART 2

2° Each House shall have the power to conduct an inquiry, or an inquiry with the other House, in a manner provided for by law, into any matter stated by the House or Houses concerned to be of general public importance. 20

3° In the course of any such inquiry the conduct of any person (whether or not a member of either House) may be investigated and the House or Houses concerned may make findings in respect of the conduct of that person concerning the matter to which the inquiry relates. 25

4° It shall be for the House or Houses concerned to determine the appropriate balance between the rights of persons and the public interest for the purposes of ensuring an effective inquiry into any matter to which subsection 2° applies.

AN SCEIDEAL

CUID 1

2° Beidh an chumhacht ag gach Teach fiosrú a stiúradh, nó fiosrú a
5 stiúradh i dteannta an Tí eile, ar mhodh a ndéantar socrú ina
chomhair le dlí, faoi aon ní a luafaidh an Teach sin nó na Tithe sin
ina thaobh go bhfuil tábhacht phoiblí ghinearálta ann.

3° I gcúrsa aon fhiosraithe den sórt sin, féadfar fiosrú a dhéanamh
faoi iompraíocht aon duine (cibé acu is comhalta de cheachtar Teach
10 an duine nó nach ea) agus féadfaidh an Teach sin nó na Tithe sin
fionnachtana a dhéanamh maidir le hiompraíocht an duine sin i dtaca
leis an ní lena mbaineann an fiosrú.

4° Is faoin Teach sin nó faoi na Tithe sin a bheidh sé an chóimheá
chuí idir cearta daoine agus an leas poiblí a chinneadh chun a chur
15 in áirithe go ndéanfar fiosrú éifeachtach faoi aon ní lena mbaineann
fo-alt 2°.

CUID 2

2° Each House shall have the power to conduct an inquiry, or an
inquiry with the other House, in a manner provided for by law, into
20 any matter stated by the House or Houses concerned to be of general
public importance.

3° In the course of any such inquiry the conduct of any person
(whether or not a member of either House) may be investigated and
the House or Houses concerned may make findings in respect of the
conduct of that person concerning the matter to which the inquiry
25 relates.

4° It shall be for the House or Houses concerned to determine the
appropriate balance between the rights of persons and the public
interest for the purposes of ensuring an effective inquiry into any
matter to which subsection 2° applies.



**THIRTIETH AMENDMENT OF THE CONSTITUTION
(HOUSES OF THE OIREACHTAS INQUIRIES) BILL
2011**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of the Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Bill 2011 is to amend section 10 of Article 15 of the Constitution in order to provide for the Houses of the Oireachtas to conduct full inquiries.

Provisions of Bill

Section 1 provides for the amendment of section 10 of Article 15 of the Constitution by the insertion of the text set out in the Schedule to the Bill.

Section 2 is a standard provision specifying how the Amendment and the Act shall be referred to.

The *Schedule* contains the proposed text of the Amendment in both Irish and English as follows:

- 2^o Beidh an chumhacht ag gach Teach fiosrú a stiúradh, nó fiosrú a stiúradh i dteannta an Tí eile, ar mhodh a ndéantar socrú ina chomhair le dlí, faoi aon ní a luafaidh an Teach sin nó na Tithe sin ina thaobh go bhfuil tábhacht phoiblí ghinearálta ann.
- 3^o I gcúrsa aon fhiosraithe den sórt sin, féadfar fiosrú a dhéanamh faoi iompraíocht aon duine (cibé acu is comhalta de cheachtar Teach an duine nó nach ea) agus féadfaidh an Teach sin nó na Tithe sin fionnachtana a dhéanamh maidir le hiompraíocht an duine sin i dtaca leis an ní lena mbaineann an fiosrú.
- 4^o Is faoin Teach sin nó faoi na Tithe sin a bheidh sé an chóimheá chuí idir cearta daoine agus an leas poiblí a chinneadh chun a chur in áirithe go ndéanfar fiosrú éifeachtach faoi aon ní lena mbaineann fo-alt 2^o.
- 2^o Each House shall have the power to conduct an inquiry, or an inquiry with the other House, in a manner provided for by law, into any matter stated by the House or Houses concerned to be of general public importance.
- 3^o In the course of any such inquiry the conduct of any person (whether or not a member of either House) may be investigated and the House or Houses concerned may make findings in respect of the conduct of that person concerning the matter to which the inquiry relates.



**AN BILLE UM AN TRÍOCHADÚ LEASÚ AR AN
mBUNREACTH (FIOSRUITHE THITHE AN OIREACHTAIS),
2011**

MEABHRÁN MÍNITHEACH

Cuspóir an Bhille

Is é is cuspóir don Bhille um an Tríochadú Leasú ar an mBunreacht (Fiosruithe Thithe an Oireachtais), 2011 leasú a dhéanamh ar alt 10 d’Airteagal 15 den Bhunreacht d’fhonn socrú a dhéanamh maidir le Tithe an Oireachtais do stiúradh fiosruithe iomlána.

Forálacha an Bhille

Déantar socrú le *halt 1* chun alt 10 d’Airteagal 15 den Bhunreacht a leasú tríd an téacs a leagtar amach sa Sceideal a ghabhann leis an mBille a chur isteach.

Foráil chaighdeánach is ea *alt 2* ina sonraítear an chaoi a ndéanfar tagairt don Leasú agus don Acht.

Tá téacs beartaithe an Leasaithe sa Ghaeilge agus sa Sacs-Bhéarla araon sa *Sceideal* mar a leanas:

- 2° Beidh an chumhacht ag gach Teach fiosrú a stiúradh, nó fiosrú a stiúradh i dteannta an Tí eile, ar mhodh a ndéantar socrú ina chomhair le dlí, faoi aon ní a luafaidh an Teach sin nó na Tithe sin ina thaobh go bhfuil tábhacht phoiblí ghinearálta ann.
- 3° I gcúrsa aon fhiosraithe den sórt sin, féadfar fiosrú a dhéanamh faoi iompraíocht aon duine (cibé acu is comhalta de cheachtar Teach an duine nó nach ea) agus féadfaidh an Teach sin nó na Tithe sin fionnachtana a dhéanamh maidir le hiompraíocht an duine sin i dtaca leis an ní lena mbaineann an fiosrú.
- 4° Is faoin Teach sin nó faoi na Tithe sin a bheidh sé an chóimheá chuí idir cearta daoine agus an leas poiblí a chinneadh chun a chur in áirithe go ndéanfar fiosrú éifeachtach faoi aon ní lena mbaineann fo-alt 2°.
- 2° Each House shall have the power to conduct an inquiry, or an inquiry with the other House, in a manner provided for by law, into any matter stated by the House or Houses concerned to be of general public importance.
- 3° In the course of any such inquiry the conduct of any person (whether or not a member of either House) may be investigated and the House or Houses concerned may make findings in respect of the conduct of that person concerning the matter to which the inquiry relates.

4° It shall be for the House or Houses concerned to determine the appropriate balance between the rights of persons and the public interest for the purposes of ensuring an effective inquiry into any matter to which subsection 2° applies.

*Department of Public Expenditure and Reform,
September, 2011.*

4° It shall be for the House or Houses concerned to determine the appropriate balance between the rights of persons and the public interest for the purposes of ensuring an effective inquiry into any matter to which subsection 2° applies.

*An Roinn Caiteachais Phoiblí agus Athchóirithe,
Meán Fómhair, 2011.*